

a population of more than nine thousand and seventy (9,070) and less than nine thousand and eighty (9,080) inhabitants according to the last preceding Federal Census, may mortgage and encumber their abattoirs, irrigation systems and/or airports and the income thereof, or either of them for the purpose of acquiring or improving the same; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COLLIE, Chairman.

#### EIGHTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
February 26, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### House Bill No. 95.

The Chair laid before the Senate

on its second reading the following bill:

H. B. No. 95, A bill to be entitled "An Act amending Article 1119, of the Revised Civil Statutes of 1925, so as to change the population of towns coming within its scope from two thousand (2,000) to five hundred (500); and to limit the earnings of persons, companies, or corporations, coming within the provisions of said article, to an amount not exceeding a fair return upon the fair value of property used and useful in rendering its service to the public; which return shall never exceed ten per cent (10%) per annum, and declaring an emergency."

Senator Woodward sent up the following amendment:

Amend H. B. No. 95, by striking out Section 1 thereof and substituting in lieu thereof the following:

Section 1. That Article 1119 of the Revised Civil Statutes of Texas of 1925 be amended so as to hereafter read as follows:

"Article 1119. The governing bodies of all incorporated cities and towns of this State shall have the power to prohibit, by ordinance, any and all persons, firms or corporations engaged in furnishing water, gas (whether artificial or natural), telephone, light, sewerage, or steam-heating service, from charging extortionate or excessive rates or from charging any rate or compensation that will yield in excess of a reasonable return upon the fair value of the property devoted to the furnishing of such service or commodity, which return in any event shall never exceed ten per cent (10%) per annum, and shall have the power to fix and regulate the rates and charges of all such persons, firms or corporations enjoying a monopoly in the use of the streets, alleys and public grounds of such cities and towns, and also to prescribe reasonable rules and regulations under which such commodities shall be furnished or service rendered, and shall have the power to fix penalties to enforce such charges, rules and regulations, said rates and charges to be based upon the fair value of the property devoted to furnishing such commodity or service; provided, that in fixing such rates and charges the governing bodies shall not take into consideration any stocks or bonds

issued or authorized to be issued or any other evidence of indebtedness of such person, firm or corporation, and nothing in this Act shall be construed as repealing, altering or modifying the provisions of Article 1124 of the Revised Civil Statutes of Texas of 1925."

WOODWARD.

Pending.

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 99, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Representatives Long, Wells, Alexander, Roberts and Scarborough.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 125 by a vote of 107 yeas and 4 nays.

The House refused to adopt by a vote of 61 yeas and 41 nays

S. C. R. No. 27, Declaring the legislative intent with reference to powers conferred on Texas Relief Commission regarding county administrators.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 22, A bill to be entitled "An Act to provide for holding a Texas Centennial Celebration or Celebrations in 1936; to provide for the creation of a Texas Centennial

Commission of not less than twenty-one members and its permanent organization; to provide for filling vacancies and adding additional members; to provide for the creation of an advisory board of not less than one hundred members; to provide for compensation of officials and representatives; to create a public corporation known as 'The Texas Centennial Commission,' having power to procure charter or charters; for non-profit-making corporations; to clothe the Texas Centennial Commission with plenary power to do any and all things in its judgment necessary to carry out the purposes of the organization; to give the commission authority to borrow money, negotiate loans, execute, deliver and dispose of its notes and bonds; to make such contracts as in its judgment may be necessary with individuals, institutions, communities, counties, districts, municipalities, states, counties and foreign powers; to negotiate loans from the Federal Government, or through any of its constituted agencies; to limit the rate of interest on indebtedness to six (6%) per cent; to prohibit incurring any indebtedness in any form whatsoever against the State of Texas; to empower the Centennial Commission to pledge, hypothecate and mortgage its properties, receipts, income or anticipated revenues for the purpose of discharging its indebtedness; making an appropriation; to provide that if any provision herein shall be held invalid no other provision shall be affected; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 16, A bill to be entitled "An Act to provide for the licensing of stores in Texas, fixing fees therefor; declaring operation without license to be a misdemeanor; defining terms used herein; providing three-fourths of fees collected hereunder shall be used for retiring principal and interest on relief bonds issued

and to be issued by the Legislature, and one-fourth to be credited to the Public School Fund; making an appropriation; providing manner of issuing license by the State Comptroller, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 26, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 43, A bill to be entitled "An Act to authorize certain cities in this State to issue bonds, notes or warrants, payable from revenues other than taxation, for construction, maintenance and operation of a toll bridge or toll bridges over and across any stream, inlet or arm of the Gulf of Mexico, or entrance channel to a port in any such city; the construction, maintenance and operation of a sewage disposal plant, construction of sanitary and/or storm sewer lines; construction of water mains or lines from sources of water supply; acquisition, reclamation, reconstruction and filling in of any submerged lands along the water front of said city and construction of sidewalks, streets and gas lines within territory so acquired or reclaimed; construction of seawalls, breakwaters and other shore protections; construction, reconstruction, maintenance, operation and dredging out of any channel in connection with such port; providing certain improvements may be constructed within or without limits of any such city; providing that no such bonds, notes or warrants shall ever evidence any debt or obligation of such city, but shall be solely a charge upon revenues and properties pledged to secure their payment; providing for the payment of such bonds, notes or warrants out of income and revenues of either one or all of the improvement projects authorized thereby; requiring that the issuance of all such bonds, notes or warrants shall be authorized by a vote of the qualified property taxpaying voters of any such city, voting at an election to be held for that purpose; prescribing time of maturity and rate

of interest on such bonds, notes or warrants; providing that the General Laws relating to city bonds, not in conflict with this Act, shall apply to the issuance, approval, certification, registration and sale of such bonds, notes or warrants; providing that each bond, note or warrant issued under this Act shall stipulate that the holder thereof shall never have the right to demand payment out of any funds raised or to be raised by taxation; requiring that all such bonds, notes or warrants be approved by the Attorney General and registered by the State Comptroller; authorizing any such city to borrow money from the United States Government, Federal Emergency Administration of Public Works, or other agency of said Government; authorizing the governing body of any such city to remove or demolish any existing bridge or other structure owned and operated by said city if deemed necessary in carrying out the works of improvement; conferring on any such city the right of eminent domain; authorizing the collection of tolls from existing bridge or bridges in event no toll bridge or bridges are constructed and providing for the pledge of such tolls to payment of indebtedness evidenced by bonds, notes or warrants authorized by this Act; requiring an election to authorize the assessment and collection of tolls from existing bridges and their application to the payment of such bonds, notes or warrants; providing for the execution of an indenture or mortgage making effective the mortgage lien on all properties that may be pledged or mortgaged to secure payment of such bonds, notes or warrants, and providing for the grant of a franchise to the purchaser under sale or foreclosure under such indenture or mortgage, with option to repurchase by such city; providing that reasonable costs of administration and operation of improvement projects and maintenance thereof shall be first lien and charge against income and revenues; providing for the setting aside of the gross income and revenues of all such project or projects for operation and maintenance purposes and payment of bonds, notes or warrants, and providing that no part of such income and

revenues shall be devoted to any other purpose and prescribing penalty therefor; providing that no such bridge shall be constructed, maintained or operated over any entrance channel to any such port operated by a navigation district without permit from commissioners of such district and authorizing commissioners of such navigation district to prescribe reasonable rules and regulations for operation of such bridge in aid of navigation; providing that this Act shall not repeal any existing laws; providing that if any section or part of this Act is held unconstitutional, such decision shall not affect the validity of remaining portion of Act; enacting other provisions incident to the subject and purpose of this Act; and declaring an emergency."

H. B. No. 69, A bill to be entitled "An Act to amend Chapter 29, Acts of the First Called Session of the Forty-third Legislature, so as to hereafter read as follows: 'An Act repealing the pound fish tax, and providing a privilege license for any person before engaging in the business of a commercial fisherman, wholesale fish dealer, retail fish dealer'; etc."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 26, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution: S. C. R. No. 23, Requesting the Governor of Texas to issue proclamation designating Sunday, March 4, 1934, in commemoration of the first year of President Roosevelt's administration.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 26, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 31, Granting permission to J. W. Beretta and J. W. Beretta, Engineers, Inc., to sue the

State of Texas and the Highway Commission for damages.

S. C. R. No. 19, Authorizing the Adjutant General to pay certain claims to officers and enlisted men of the five regiments furnished by the Governor of Texas under the first and second calls for troops by the President in 1898.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

#### Instructions to Sergeant-at-Arms.

Senator Purl moved that the Sergeant-at-Arms be instructed to keep order and seat the Members when they leave their seats without having to have such instructions each time.

No vote was taken, but the Chair so instructed the Sergeant-at-Arms.

#### Senate Simple Resolution No. 24.

Senator Woodruff sent up the following resolution:

Be it resolved that the Senate conferees on H. B. No. 13 be authorized to invite expert counsel of Hon. John D. McCall of Dallas on terms and provisions of said bill, and that the Committee on Contingent Expense be authorized to pay his actual and necessary traveling expenses, Dallas to Austin and return, out of the Contingent Expense Fund of the Senate on proper warrant.

WOODRUFF.

The resolution was adopted.

#### Bills and Resolutions Referred.

H. B. No. 69, referred to the Committee on Game, Fish and Oysters.

H. C. R. No. 31 referred to the Committee on State Affairs.

#### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 43.      S. B. No. 76.  
S. B. No. 8.

#### Recess.

On motion of Senator Russek, the Senate, at 12:03 o'clock, recessed until 2 o'clock p. m., today.

**Afternoon Session.**

The Senate was called to order, pursuant to recess, at 2 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

**Messages From the House.**

Hall of the House of Representatives.  
Austin, Texas, Feb. 26, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the conference committee report on S. B. No. 3 by a vote of 106 yeas and 20 nays, and has requested the appointment of a new conference committee on the part of the House and on the part of the Senate.

In compliance with the provisions of S. C. R. No. 23, Relative to First Anniversary of the Roosevelt Administration the Speaker has appointed the following committee:

**Representatives:**

T. W. Davidson, Dallas;  
Ed Howard, Wichita Falls;  
Chas. E. Coombes, Stamford;  
Wm. H. Richardson, Austin.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, Feb. 26, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 16, A bill to be entitled "An Act to ratify, confirm and validate deliveries of road bonds heretofore made by counties wherein the counties have lawfully delivered bonds to the purchasers thereof and have thereafter permitted the exchange of said bonds for other bonds of the same issues then remaining unsold and held by said counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The House refused to concur in Senate amendments to H. B. No. 95 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following are appointed on the part of the House:

Representatives Tennyson, Reader, Hester, Calvert and Steward.

S. B. No. 38, A bill to be entitled "An Act to regulate the conducting in public competition for prizes, awards and admission fees, any personal, physical or mental endurance contests; regulating the manner in which contestants may participate in such contests; prescribing the penalties for violation of this Act; providing for certain exceptions to this Act; declaring that any house, structure, building, place or open air space that is being used for purposes in violation of the provisions of this Act is declared to be a nuisance; providing that any person who knowingly maintains or assists in maintaining of such a place is guilty of maintaining a nuisance, authorizing the Attorney General or the district attorney or county attorney under certain circumstances to enjoin and abate such nuisance; prescribing the character of judgment that shall be entered against the continuance of such nuisance; providing certain conditions with reference to bonds to be furnished in such cases; repealing Chapter 204, page 337 of the Acts of the Forty-second Legislature, 1931; prescribing penalties for violations, and declaring an emergency."

(With amendments).

S. B. No. 10, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue of the State for the purpose of enforcing the provisions of H. B. No. 76, Chapter 52, First Called Session, Forty-first Legislature, and declaring an emergency."

S. B. No. 67, A bill to be entitled "An Act to amend Article 1283, Title 30, Revised Civil Statutes of 1925, prescribing the conditions and amounts of bonds to be given by livestock commission merchants, and providing for notice of cancellation of such bonds, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, Feb. 26, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the dif-

ferences between the two Houses on S. B. No. 22. The following are conferees on the part of the House: Representatives Savage, Aikin, Morrison, Anderson and Townsend.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 33, Authorizing the Enrolling Clerk of the House to correct certain clerical and typographical errors in H. B. No. 79.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 161, A bill to be entitled "An Act further defining the offense of bribery; making any person employed in any department of State Government guilty of bribery who contributes to the head of the department in which he is employed any money or property to further the campaign of such department head for nomination or election to any State office; providing that if any such employee uses any property belonging to the State to aid in any campaign for office sought by the head of the department in which he is employed, he shall be guilty of bribery; providing that any State officer who accepts campaign contributions from State employes in his department or knowingly permits same to be done, shall be guilty of accepting a bribe; providing penalties; and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 87, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all ad valorem and poll taxes delinquent on February 1, 1934, due State, county, common school districts, road districts, levee improvement districts, water improvement districts, and water control . . . ; etc."

(With engrossed rider.)

H. B. No. 105, A bill to be entitled "An Act prohibiting the building or laying out of any new highway or partial highway, intended principally for inter-city traffic between the cities of Beaumont and Port Arthur, in Jefferson County, Texas, and requiring any new highway or partial highway to be built along the routes of the highways now existing between said cities; providing that any aggrieved citizen in Jefferson County may be entitled to restrain violation of this law, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

#### Free Conference Committee Appointed.

On motion of Senator Purl, the Senate granted the request of the House for a conference committee on H. B. No. 99, and the following were appointed on the part of the Senate:

Senators Small, Cousins, Pace, Moore, and Murphy.

#### House Bill No. 95.

The question recurs on the Woodward amendment to H. B. No. 95.

#### Resolutions Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

S. C. R. No. 19. S. C. R. No. 23.

#### Bills Referred.

H. B. No. 16, referred to the Committee on State Affairs.

H. B. No. 161, referred to the Committee on Civil Jurisprudence.

H. B. No. 87, referred to the Committee on State Affairs.

H. B. No. 105, referred to the Committee on State Highways and Motor Traffic.

**H. C. R. No. 18.**

On motion of Senator Regan, the Senate granted unanimous consent to take up and consider at this time,

H. C. R. No. 18, Granting permission to W. D. Malone and B. Dreyer to sue the State.

The resolution was adopted.

**H. C. R. No. 21.**

On motion of Senator Regan, the Senate granted unanimous consent to take up and consider at this time the following resolution:

H. C. R. No. 21, Granting permission to J. O. Currie and J. C. Locklar to sue the State.

The resolution was adopted.

**Request for a Free Conference Committee.**

Senator Neal moved that the Senate refuse to concur in the House amendments to S. B. No. 22, and request the appointment of a free conference committee to adjust the differences between the two Houses.

Senator Poage made a substitute motion to concur in the House amendments to the bill.

The substitute motion was lost.

The question recurring on the motion of Senator Neal to refuse to concur and to appoint a conference committee.

The motion prevailed.

The following were appointed on the part of the Senate:

Senators Neal, Oneal, Woodul, Patton, and Holbrook.

**House Bill No. 114.**

On motion of Senator Hornsby, the Senate granted unanimous consent to consider at this time the following bill:

H. B. No. 114. A bill to be entitled "An Act to prohibit justices of the peace from adjudging fees in misdemeanor criminal cases in favor of constables and deputy constables, where the alleged offense was committed in a justice precinct other than the precinct in which such constable was elected or such deputy constable appointed, and to prohibit constables and deputy constables from collecting or receiving fees, etc."

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule, requiring bills to be read on three several days, was suspended, and H. B. No. 114 was put on its third reading and final passage by the following vote:

**Yeas—29.**

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Fellbaum.	Hopkins.
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Read third time and finally passed by the following vote:

**Yeas—29.**

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Fellbaum.	Hopkins.
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**Communication.**

February 26, 1934.

The Senate of The State of Texas,  
Austin:

On account of illness, I am unable to be present during the consideration of H. B. No. 114, by Dwyer. I am heartily in favor of the bill and

would have voted yea had I been present.

FELLBAUM.

**House Bill No. 95.**

The question recurring on the Woodward amendment.

The amendment was adopted by the following vote:

**Yeas—16.**

Cousins.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Martin.	Russek.
Moore.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

**Nays—10.**

Beck.	Hornsby.
Blackert.	Murphy.
Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Regan.

**Absent.**

Neal.	Small.
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**Absent—Excused.**

Fellbaum.

(Pair Recorded.)

Senator Sanderford (present), who would vote nay with Senator Hopkins (absent), who would vote yea.

Senator Oneal sent up the following amendment:

Amend Section 1 of Woodward amendment to H. B. No. 95, by striking out the words "a monopoly in."

ONEAL.

**Point of Order.**

Senator Rawlings presiding.

Senator Woodward raised the point of order that the amendment was in conflict with the amendment just adopted and would have the effect of a reconsideration of said amendment.

The Chair overruled the point of order.

The question recurring on the amendment by Oneal, the amendment was lost by the following vote:

**Yeas—11.**

Beck.	Murphy.
Blackert.	Neal.
Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Woodruff.
Hornsby.	

**Nays—14.**

Cousins.	Patton.
Greer.	Purl.
Holbrook.	Rawlings.
Martin.	Redditt.
Moore.	Stone.
Pace.	Woodul.
Parr.	Woodward.

**Absent.**

Russek.	Small.
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**Absent—Excused.**

Fellbaum.	Regan.
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(Pair Recorded.)

Senator Sanderford (present), who would vote yea with Senator Hopkins (absent), who would vote nay.

On motion of Senator Woodward, the Senate gave unanimous consent to amend the caption to conform to the body of the bill.

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule, requiring bills to be read on three several days, was suspended, and H. B. No. 95 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

**Nays—2.**

Beck.	Russek.
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**Absent.**

Small.	
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## Absent—Excused.

Fellbaum.           Regan.  
Hopkins.

Read third time and finally passed  
by the following vote:

## Yeas—24.

Blackert.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Nays—3.

Beck.                   Russek.  
Cousins.

## Absent.

Small.

## Absent—Excused.

Fellbaum.           Regan.  
Hopkins.

## Reasons for Vote.

The Woodward amendment adopted in lieu of the original H. B. No. 95, by the Hon. C. H. Tennyson, providing for the regulation of utility companies, has the effect of preventing cities from making minimum rates for privately-owned utilities and thereby opens the way for the privately-owned utilities in cities where municipal plants are operated to cut their rates so low as to destroy the municipal plants. Consequently this amendment would also then permit the stifling by privately-owned utilities of any efforts on the part of any cities or incorporated towns to put in a municipal plant.

If my amendment, striking out the words "a monopoly in" had been adopted, the power that cities with over two thousand inhabitants now have to regulate, either up or down, the rates of privately-owned utilities would have been saved even in this bill to those cities, and cities that may hereafter find it necessary or advisable to erect municipal plants would have some protection in their

efforts to construct and operate their own plants.

I voted "yea" on House Bill No. 95 after the Woodward amendment was adopted and after my amendment seeking to strike out the words "a monopoly in" was defeated, with the expectation that the House would not concur in the Senate amendments and that in a conference committee between the two Houses the bill would be restored to the substance of the original House bill. The author of the House bill, Hon. C. H. Tennyson, requested me to support the bill even though amended so that it would not be killed, but would come back to the House where he assured me he felt certain the House would refuse to concur in the Woodward amendment, which changed radically the substance of his original bill. He desired to get the bill in a conference committee changed so as to leave to the cities the power of making minimum rates for privately owned utilities.

ONEAL.

I voted "yea" on final passage on H. B. No. 95 as amended, for the following reason: I was given to understand that when the bill went back to the House for concurrence in the Woodward amendment, the House would in all probability not do so, as the Woodward amendment changes the substance of the bill. I voted "yea" with the expectation that the bill would be written back in its original form.

DeBERRY,  
BLACKERT.

## Senate Bill No. 28.

The Chair laid before the Senate, on its second reading, the following bill:

H. B. No. 28, A bill to be entitled "An Act amending Sections 1, 2, 4, 5, 6, 8, 9, and 12, of Chapter 241, Acts of the Regular Session Forty-third Legislature, page 845, and further amending Chapter 241, Acts, Regular Session, Forty-third Legislature, page 843, by adding a new section to said Act, to be designated and styled as Section 17-b, which new section vests and empowers the Commissioner of Labor with the power

to promulgate all necessary rules; etc."

Senator Purl sent up the following amendment:

Amend H. B. No. 28, by striking out "\$15,000" and insert "\$10,000."

PURL.

The amendment was lost by the following vote:

Yeas—10.

Beck.	Hornsby.
Collie.	Murphy.
DeBerry.	Poage.
Greer.	Purl.
Holbrook.	Woodruff.

Nays—12.

Blackert.	Rawlings.
Duggan.	Redditt.
Martin.	Russek.
Pace.	Sanderford.
Parr.	Stone.
Patton.	Woodul.

Absent.

Cousins.	Oneal.
Moore.	Small.
Neal.	Woodward.

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Stone, the constitutional rule, requiring bills to be read on three several days, was suspended, and H. B. No. 28 was put on its third reading and final passage by the following vote:

Senator Holbrook offered the following committee amendments:

Committee Amendment No. 1.

Amend H. B. No. 52, by inserting after line 4 on page 6 of said bill, the following:

#### BOARD OF WATER ENGINEERS.

	For the Years Ending	
	August 31,	August 31,
	1934	1935
Traveling expenses .....	\$ 1,000.00	
Office supplies .....	400.00	
<b>Total .....</b>	<b>\$ 1,400.00</b>	

The amendment was adopted.

Yeas—26.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent.

Oneal.	Small.
--------	--------

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	

Read third time and finally passed by a viva voce vote:

#### House Bill No. 52.

The Chair laid before the Senate, on its second reading, the following bill:

H. B. No. 52, A bill to be entitled "An Act making a supplemental appropriation for the Ranger Service, the State Board of Control, the Examining Division of the Insurance Department, the Executive Department, the Texas State Department of Agriculture, the Live Stock Sanitary Commission, the Bureau of Labor Statistics, the State Auditor and Efficiency Expert, and the Attorney General's Department for the two-year period beginning September 1, 1933, and ending August 31, 1935; and for other purposes; and declaring an emergency."

## Committee Amendment No. 2.

Amend H. B. No. 52, by inserting after line 20, of page 6 of said bill, the following:

## DEPARTMENT OF EDUCATION.

	For the Year Ending August 31, 1934
Postage and stationery .....	\$ 3,500.00
Printing .....	2,250.00
Contingent .....	1,340.00
Furniture and typewriters .....	100.00
Per diem and expense of Text Book Commission .....	310.00
Traveling expense .....	2,500.00
<b>Total .....</b>	<b>\$ 10,000.00</b>

The amendment was adopted.

## Committee Amendment No. 3.

Amendment H. B. No. 52, by inserting on page 7, following line 10, the following:

STATE TREASURY DEPARTMENT.  
Cigarette Tax Division.

Amend H. B. No. 167, Chapter 166 of the General Laws of the Forty-third Legislature, page 506, item number one under maintenance and miscellaneous for the Cigarette Tax Division of the State Treasury Department to read hereafter as follows:

	For the Years Ending August 31, 1934	August 31, 1935
Designing and manufacturing cigarette stamp etching and dies and printing stamps .....	\$ 27,000.00	\$ 3,000.00

The amendment was adopted.

## Committee Amendment No. 4.

Amend H. B. No. 52 by inserting after line 14, page 8, the following:

## STATE RECLAMATION DEPARTMENT.

	For the Year Ending August 31, 1934
For topographic and hydrographic surveys, etc., for flood control and for the general work of the Department, including wages for day labor, office supplies and contingent expenses .....	\$ 10,000.00
For establishing the boundaries of the State, and other boundaries, titles and rights involved in litigation which has arisen or which may arise, and for all necessary expenses and costs necessary in the proper determination of such questions; provided, that in this work in addition to other help, the State Reclamation Engineer may use the personnel, equipment and appropriations of the Department whenever doing so may be for the best interests of the	

State; and provided that any balance remaining from the appropriation for 1934 shall be available for 1935.....	5,000.00
Total .....	\$ 15,000.00

The amendment was adopted.

#### Committee Amendment No. 5.

Amend H. B. No. 52, by inserting after line 26, page 8, the following:

There is hereby appropriated the sum of \$150,000.00, contingent upon securing from the Federal Government, or other sources, an absolute grant of \$350,000.00 additional money to be used in the construction, furnishing and equipping of a State Courts Building in Austin, to be occupied by the Supreme Court, the Court of Criminal Appeals and the Attorney General's Department, on state owned ground, to be approved by the Board of Control and the Supreme Court.

Senator Poage sent up the following amendment to Committee Amendment No. 5:

Amend Committee Amendment No. 5 by striking out the words "court" wherever it appears and in each instant insert the word "office."

#### POAGE.

The amendment to the committee amendment was lost.

#### Personal Privilege.

Senator Poage rose to address the Senate on a point of personal privilege.

#### Point of Order.

Senator Woodruff Presiding.

Senator Holbrook raised the point of order that the motion to speak on personal privilege was not in order during the consideration of a bill under special order.

The Chair overruled the point of order.

Senator Poage then briefly addressed the Senate on the point of personal privilege.

#### House Bill No. 52.

The question recurred on the question of the adoption of Committee Amendment No. 5.

The amendment was adopted by the following vote:

#### Yeas—22.

Beck.	Parr.
Cousins.	Patton.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

#### Nays—5.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	

#### Absent.

Small.

#### Absent—Excused.

Fellbaum.	Regan.
Hopkins.	

#### Committee Amendment No. 6.

Amend H. B. No. 52, by inserting in Section 1, before line 1 on page 9, the following:

#### ADJUTANT GENERAL'S DEPARTMENT.

For the Years Ending	
August 31,	August 31,
1934	1935

To each regimental, brigade, division and train headquarters for postage and stationery .....	\$ 75.00	\$ 180.00
Monthly pro-rata to each company, troop, battery, detachment and band for actual		

necessary expenses, lights, water, stamps and stationery .....	450.00	900.00
<b>Total .....</b>	<b>\$ 525.00</b>	<b>\$ 980.00</b>

The amendment was adopted.

#### Free Conference Report.

On motion of Senator Woodward, the Senate granted unanimous consent to consider at this time the conference report on H. B. No. 43, as follows:

Committee Room,  
Austin, Texas, Feb. 24, 1934.  
Hon. Coke R. Stevenson, Speaker of  
the House of Representatives, and  
Hon. Edgar E. Witt, President of  
the Senate.

Sirs: We, your Conference Committee, appointed to adjust the differences of House Bill No. 43, have agreed and beg leave to make the following attached report:  
By Long, et al. H. B. No. 43.

#### A BILL To Be Entitled

An Act amending Article 6032, Revised Civil Statutes of 1925, as amended by Section 22, Chapter 26, Acts First Called Session, Forty-second Legislature; amending Section 11, Chapter 162, Acts, Regular Session, Forty-third Legislature; appropriating the proceeds of the tax derived under the provisions hereof; authorizing the Railroad Commission to employ such help and to incur such other expenses as are necessary to enforce the conservation laws of this State relating to oil and gas and the orders of the Railroad Commission promulgated pursuant thereto; amending the appropriation for the Oil and Gas Division of the Railroad Commission as contained in House Bill No. 167, Chapter 166, Acts Regular Session, Forty-third Legislature, at pages 497-S, providing for the employment by the Commission of a suitable person or persons to perform the services set forth in Article 6045, Revised Civil Statutes of 1925; providing if any person whose salary is paid out of the funds herein provided for uses his time or a State-owned automobile for campaign purposes he shall be subject to fine and imprisonment; providing that if any

portion of this Act be held unconstitutional or invalid for any reason such decision shall not affect the remaining portions, sections or paragraphs of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 6032, Title 102, Revised Civil Statutes of 1925, as amended by Section 22, Chapter 26, Acts Forty-second Legislature, First Called Session, is hereby amended so that same shall hereafter read as follows:

"Article 6032. There is hereby levied a tax of one-eighth of one cent per barrel of forty-two (42) standard gallons of crude petroleum produced within this State, which shall be in addition to and collected in the same manner as the present gross receipts production tax on crude petroleum. Producers of crude petroleum are hereby required to make reports of production in the same manner and under the same penalties as for the gross production tax. The tax thus collected shall be paid into the State Treasury as other revenues and shall be paid out on warrants as other funds. The funds derived from this tax shall be used for the administration of the conservation laws of this State relating to oil and gas and such funds are hereby appropriated to the use of the Oil and Gas Division of the Railroad Commission of Texas."

Sec. 2. Section 11, Chapter 162, Acts Regular Session, Forty-third Legislature is hereby amended so as to hereafter read as follows:

"Section 11. The provisions made in Chapter 162, Acts Regular Session, Forty-third Legislature, providing for the collection of the gross production tax on oil and reports required in connection with the collection of such tax, shall apply to the collection of taxes levied under the provisions of Section 1, of this Act, and if any person, firm or corporation should fail to pay the tax herein provided for, or should fail to make the reports required in such Act or should make erroneous reports as

provided in said Act, such person, firm or corporation shall be subject to the fines and penalties as provided in Section 8, Chapter 162, Acts, Regular Session of the Forty-third Legislature."

Sec. 3. It is hereby expressly declared to be the intent of the Legislature that salaries and other expenses incurred against the funds appropriated to the Oil and Gas Division of the Railroad Commission of Texas by the General Appropriation Act of the Forty-third Legislature, being Chapter 166, Acts Regular Session, Forty-third Legislature, shall after the effective date of this Act be paid out of the funds derived from the tax levied by this Article, and none of said appropriations shall ever hereafter be paid out of the General Revenue Fund. In the event that there is an excess derived from the tax over and above the amount of money appropriated to the Oil and Gas Division of the Railroad Commission of Texas, the Railroad Commission, as specifically provided herein, shall be, and is hereby empowered to expend said excess in performing its duties in carrying into effect the conservation laws of this State relating to oil and gas and its orders promulgated pursuant thereto.

Sec. 4. The Railroad Commission of Texas is hereby authorized and directed in addition to the number of employees at the salaries and the expenses fixed by the General Appropriation Act of the Regular Session of the Forty-third Legislature for the Oil and Gas Division of said Commission to expend such sums as may be necessary to employ such gaugers, inspectors, investigators, supervisors, and clerical help including three employees who shall be chief engineer, chief petroleum engineer and administrative chief, who shall be paid a salary not to exceed three thousand seven hundred and fifty dollars (\$3,750.00), per annum, each, and other help as may be necessary to carry out the provisions of the oil and gas conservation laws of Texas. Said Commission shall likewise for the same purpose be authorized to expend such sums as may be necessary for the maintenance and miscellaneous contingent expenses of the Oil and Gas Division of said Commission as such expenses are defined on page 498, General Laws of the

Forty-third Legislature, Regular Session. The Commission is hereby forbidden to revise any salary of any employee of the Oil and Gas Division provided for by Chapter 166 of the Regular Session, nor shall said Commission employ any person at a higher salary than that fixed by the General Appropriation Act of the Forty-third Legislature for employees employed in the same or similar employment.

Provided, That the Commission be, and is hereby expressly authorized and directed to designate some suitable person or persons to perform the services set forth in Article 6005 of said Title 102, and permit such person or persons so designated to collect from the owner or operator of such wells or the owner of the land compensation for the services so performed and such person or persons so designated shall perform or cause such services to be performed under the rules and regulations of the Commission.

Sec. 5. If any person whose salary is paid out of the funds herein provided for, uses his time or a State automobile for campaign purposes, or for the purpose of furthering the candidacy if his employer or any other candidate for State office, he shall be fined not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) and shall be confined in jail for not less than thirty (30) nor more than ninety (90) days.

Sec. 6. Any surplus remaining at the end of the fiscal biennium in the funds derived from said tax over and above the amount expended by the Railroad Commission in carrying out its duties in connection with the oil and gas laws of this State shall become a part of the General Revenue of the State.

Sec. 7. If any section, sub-section, sentence, clause, or phrase of this Act is held, for any reason, to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, sub-section, sentence, and clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Sec. 8. The fact that the Forty-third Legislature, at its Regular Session, inadvertently failed to appropriate the proceeds of this Act to the Oil and Gas Division of the Railroad Commission of Texas, when the tax is in fact levied for the support of such Division, and the fact that the Railroad Commission at this time does not have sufficient employees to adequately enforce the conservation laws of this State with reference to oil and gas, creates an emergency and an imperative necessity that the constitutional rule, requiring bills to be read on three several days in each House, be, and the same is hereby suspended, and this Act shall take effect and be in force from and after the first day of March, A. D. 1934, and it is so enacted.

WOODWARD,  
MURPHY,  
STONE,  
REDDITT,  
SMALL,

On the part of the Senate;

LONG,  
HYDER,  
WOOD,  
COOMBES,  
SCOTT,

On the part of the House.

The report was adopted by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.          Regan.  
Hopkins.

Senate Simple Resolution No. 25.

Senator Hornsby sent up the following resolution:

Whereas, Hon. Rafael De La Colina, Consul General of Mexico, is now visiting in the Capital City of

Texas and the Senate Chamber;  
THEREFORE, BE IT RESOLVED,  
That the honorable gentleman from our Sister Republic of Mexico be accorded a cordial welcome and granted the privileges of the floor of the Senate.

HORNSBY.

The resolution was adopted.

The Chair appointed Representative Dwyer of San Antonio to escort the visitor to the platform.

Representative Dwyer introduced General De La Colina, who briefly addressed the Senate.

H. C. R. No. 33.

On motion of Senator Woodward, the Senate granted unanimous consent to consider at this time H. C. R. No. 33, relative to a correction in H. B. No. 79.

The resolution was adopted.

Bills Signed.

The Chair President Pro Tem., Frank H. Rawlings, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 88.      H. B. No. 114.  
H. B. No. 125.

Senate Bill No. 34.

On motion of Senator Rawlings, the Senate granted unanimous consent to take up and lay on the table, subject to call S. B. No. 34.

Senator Excused.

On motion of Senator Woodward, Senator Regan was excused at 4 o'clock p. m., for the balance of the day and for tomorrow on account of death of firm member.

Committee Appointed.

The Chair, Lieutenant Governor Edgar E. Witt, under authority of S. C. R. No. 23, appointed the following members:

Burris C. Jackson, chairman;  
Hillsboro, Texas.

Amon G. Carter, Fort Worth, Texas.

Frank Huntress, San Antonio, Texas.

M. E. Foster, Houston, Texas.

Ira P. DeLooche, Dallas, Texas.

**Senate Bill No. 38.**

On motion of Senator Neal, the Senate concurred in the House amendments to S. B. No. 38.

**Free Conference Committee Appointed.**

On motion of Senator Oneal, the Senate granted the request of the House for a Free Conference Committee on H. B. No. 95, and the following were appointed on the part of the Senate:

Woodward, Hopkins, Purl, Oneal and DeBerry.

**House Bill No. 34.**

Senator Rawlings asked unanimous consent to call from the table and consider at this time H. B. No. 34.

Senator Holbrook objected.

**Free Conference Report.**

On motion of Senator Small, the Senate granted unanimous consent to consider at this time the Free Conference report on S. B. No. 3, as follows:

Committee Room,  
Austin, Texas, Feb. 26, 1934.  
Hon. Edgar E. Witt, President of the Senate.  
and,

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on S. B. No. 33, beg leave to submit the following report:

We have had S. B. No. 3 under consideration and recommend the adoption of the attached bill as rewritten by your conference committee.

SMALL,  
WOODWARD,  
WOODUL,  
MOORE.

On part of the Senate.

VAUGHAN,  
HANKAMER,  
BURNS.

(With reservation)

On part of the House.

An Act temporarily enlarging the powers of the district courts of this State to grant continuances and stays of execution in suits to

foreclose liens upon real property and to grant restraining orders and temporary injunctions restraining sales of real estate under deeds of trust and other contracts and sales and under executions and orders of sale; specifying the necessary allegations for motions for continuance, applications for stay orders and petitions for injunction; prescribing the contents of orders granting such continuances, stay orders and injunctions; providing for payment of rent on real property involved; prescribing the duration of stay orders, continuances and injunctions and for the renewal and the dissolution thereof; prescribing that such motions and petitions for such relief shall be addressed to the sound discretion of the trial court and that the refusal of such relief shall not be reviewable on appeal; providing for the appointment of receivers; for the entry of judgments by agreement, suspending statutes of limitation as to real property for which relief under this Act is invoked; making the several provisions of the Act separate and distinct; extending the Act to guarantors, sureties and endorsers where payment of debt is postponed for party primarily liable; providing that the Act shall not apply where the defendant or relator has or asserts a defense to the validity of the lien or process or to the debt demanded or to suits foreclosing liens, securing debts created for money or property obtained by fraud or defalcation and to suits for partition, or between co-tenants, or by one co-tenant, to enforce a lien against another co-tenant, or to suits by the Federal Government, or to suits where a substantial cash payment has not been made; repealing all laws in conflict, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. From the effective date of this Act until February 1, 1935, the judges of the several district courts having civil jurisdiction in this State, in addition to the powers heretofore exercised are hereby authorized to grant continuances and stays of execution in all suits instituted for the purpose of foreclosing liens upon real property and to grant



writs of injunction restraining the sale of real property under powers created by deeds of trust or other contracts and to restrain sales under executions and orders of sale issued out of any court in this State, when it shall be made to appear by verified motion or petition or from evidence adduced upon a trial on the merits or on ex parte or preliminary hearing as follows:

(a) That the defendant or relator is justly obligated to pay a substantial portion of the indebtedness declared upon or sought to be collected and that the lien securing the indebtedness is valid, but that he is financially unable to pay the indebtedness or any part thereof.

(b) That a sale of the encumbered property under deed of trust or under process of the court or a sale of the property seized under execution would result in an unfair, unjust and inequitable financial loss to the defendant or relator; and would not be unfair, unjust and inequitable to the creditor taking into consideration the financial condition of all parties.

(c) That the value of the property involved is substantially in excess of the amount of the debt demanded.

(d) That the property will probably sell for substantially less than its value if a sale under deed of trust, order of sale, or execution is held in due course.

(e) That the defendant or relator will not permit the property to be abused, ill-treated or mismanaged, and that such property will be managed, controlled and cared for properly during the pendency of the suit.

(f) That there is a reasonable expectation that the indebtedness will be materially reduced or that substantial amount thereof will be refinanced within a reasonable time.

(g) That the defendant or relator will account to his creditor for the rental value of the property.

(h) That the defendant or relator is not in arrears in the payment of taxes to the creditor and to any lawful tax collecting agency for more than two years on the property covered by the lien.

(i) That neither the indebtedness demanded nor the lien securing same has been renewed, created, or assumed since February 1, 1933.

Sec. 2. The provisions of this Act

shall not apply to the following cases to-wit:

(a) Where the defendant or relator has or asserts a defense to the validity of the lien or process sought to be foreclosed or levied.

(b) Where the defendant or relator has or asserts a valid defense to the demand of the creditor, provided, however, that the defendant or relator may defend against a portion of the demand and claim the benefits of this Act when he pleads fully his defense to the disputed portion.

(c) Where the lien sought to be foreclosed was created to secure in whole or in part, any indebtedness for money or property procured by misrepresentation, fraud, defalcation or embezzlement.

(d) Where suit is instituted to enforce a partition of real property, or where the suit is between co-tenants or tenants in common, or where the suit or cause of action is based upon or seeks to enforce a lien upon an undivided interest in real estate, when the party seeking to enforce such lien is a tenant in common with the defendant; unless such tenant in common became the owner of such lien after the passage of this Act.

(e) Except as to property acquired by bona fide gift or by devise or descent, the provisions of this Act shall not apply to foreclosures or levies upon lands acquired by the then record owner unless there has been an actual cash payment, or its equivalent in property of substantial value made upon the property by such record owner.

(f) Where the Federal Government or any agency thereof seeks to collect a debt, or where the State, county or any political subdivision thereof seeks to collect taxes, provided, however, that the provisions of this Act shall apply to suits involving foreclosure of liens for levee district taxes.

Sec. 3. When answer is due in a cause of action instituted to foreclose a lien on real property, the defendant may file a verified motion for continuance, embracing allegations covering the details contained in Section 1 of this Act, and the court may then order the cause continued for the term, or for such time as may be deemed sufficient to secure such equitable relief, but not beyond

February 1, 1935, or may hear the cause on the merits and permit proof of such allegations and render judgment with stay of execution or order of sale for such time as may be equitable, which in no event shall be beyond February 1, 1935.

Sec. 4. When there is a threatened foreclosure of a deed of trust lien that was outstanding prior to May 1, 1933, and that has not been renewed or extended since that time, or when a sale of real property under execution or order of sale is threatened, the judge of the district court of the county in which the land or a part thereof is situated, or the judge of the court from which the execution or order of sale is issued, upon presentation of a verified petition embracing allegations covering the conditions contained in Section 1 hereof, may in his discretion issue an order temporarily restraining the sale under the deed of trust, order of sale or execution. In such cases the judge shall set for a hearing on the petition within ten days from the date of the restraining order and shall cause notice to be given to the parties against whom complaint is made in the manner now provided by law, and upon such hearing, if the allegations in the petition are found to be true, the judge hearing said cause may, in his discretion, grant a temporary injunction restraining the sale for a reasonable time, provided, however, that no such injunction or restraining order shall be granted where the petitioner has not paid the taxes accruing to any subdivision of government for more than two tax paying years at the time the petition is presented or at the time the judgment of foreclosure was rendered.

Sec. 5. In the order granting a continuance, or stay of execution, or a temporary injunction under the provisions of this Act, the court shall specify the amount of rent to be paid for the use of urban or business property, and direct that monthly installments be paid to the clerk for application on the debt admitted, and in no event shall such order be granted until the first installment of rent has been paid and in all such cases the order shall provide that a failure to pay such installment as and when due, will of itself vacate the order. Where the property in-

involved is rural or farm property the court shall determine the usual and customary rentals paid for such property and shall require the debtor to assign, transfer or secure to the creditor such rents and revenues or the value thereof, before such order is granted. In determining the amount of rent to be paid, the court shall fix said amount at the reasonable rental value of the property, in no event less than the rents and revenues actually produced by the property. In no case shall the rental fixed by the court for residence or business property be less than the amount of the insurance premiums required to protect the property against loss by fire to the amount of the debt admitted to be due, but where the property is producing no revenue, the rental need not exceed such amount, unless the property be occupied or used by the defendant or relator in which event a reasonable rental shall be paid. Where the rent accruing on property is in excess of a sum equal to the taxes, insurance, and interest on the debt, the court may, in its discretion, permit the defendant or relator to retain the excess of any portion thereof.

Sec. 6. Where it is made to appear to the court that the proper protection of the property and the rents and revenues to be derived therefrom can be better served by the appointment of a receiver to take charge of and manage and control the property during the period for which a stay of execution or an injunction shall be effective, the court shall be authorized to appoint some suitable person to act as receiver of such property and to manage and control the same under the orders of the court and make such distribution of the rents and revenues as the court may direct.

Sec. 7. At the end of the period for which the temporary injunction, or the continuance, or the stay of execution, as the case may be, was granted, and no further similar application, notice and hearing, the court or judge may in his discretion enter a further order for temporary injunction or continuance of stay in like manner and upon the same conditions as contained in Section 2 and 3 hereof. But in no event shall the operation of the original or the sub-

sequent order extend beyond February 1, 1935.

Sec. 8. Upon the showing that the defendant or the relator has failed to comply with the order of the court for the payment of rent on the property involved, or that the conditions of the relator or defendant have changed to such an extent as to make the grounds upon which any continuance, stay order, or injunction was granted inapplicable the court shall forthwith enter an order setting aside the continuance or the stay of execution, or the injunction and proceed with the trial of the case on its merits, or permit the property to be sold as the case may be.

Sec. 9. The motion for continuance or for stay of execution or the petition for injunction shall be addressed to the sound discretion of the trial court and the action of the court in refusing to grant any such relief as herein authorized shall be final and shall not be assigned as error on appeal.

Sec. 10. In all cases determined by the court under the terms of this Act, the judge shall, at the request of any party to such proceedings, file with the clerk within five days, from the order made by the judge, his findings of facts and his conclusions of law.

Sec. 11. No guarantor of an indebtedness, nor indorser nor surety for the payment thereof, nor any person primarily liable thereon, the collection of which has been enjoined or postponed by reason of the provisions of this Act, shall be required to pay such indebtedness during the injunction or postponement of the suit, nor shall the obligations of such guarantor, indorser, or surety in any way be impaired or lessened by reason thereof, nor shall the creditor be obligated to pursue any remedy against such guarantor, indorser or surety during the continuance of such injunction and/or postponement of suit.

Sec. 12. The period from February 15, 1934, to February 1, 1935, shall not be included in computing any period of limitation under the laws of this State with reference to liens on real property and the debts secured thereby, provided the provisions of this Act have been in-

voked by the record owner of such real property.

Sec. 13. Nothing herein shall be held to prevent or limit the right of any court to enter any judgment by agreement of the parties.

Sec. 14. The provisions of this Act are hereby declared to be distinct and separable. If any section, paragraph, sentence or clause hereof shall be found by a court of competent jurisdiction to be invalid the decision of such court shall not affect the validity of any other section, paragraph, sentence or clause.

Sec. 15. All laws and parts of laws in conflict with any of the provisions of this Act are hereby suspended during the effective period of this Act, but not repealed and this Act shall terminate and be of no further force and effect on and after February 1, 1935.

Sec. 16. The fact that under existing laws forced sales are had under deeds of trust and vendor's liens at which tracts of real estate are sold at prices greatly below their real and equitable value, and the fact that such sales work inequities and undue hardships upon the owners of such real estate, and the further fact that an extraordinary financial emergency and depression exists within this State and elsewhere, and that many citizens are threatened with the foreclosure of liens upon property, and by reason thereof imminent danger exists whereby citizens may be subjected to distressing losses, and the fact that great and irreparable wrong and injury will be done unless immediate relief as provided herein be granted, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

Senator Small moved the adoption of the report.

Senator Sanderford made a substitute motion to refuse to adopt the conference report and to appoint a new conference committee.

Senator Small withdrew his motion.

Senator Sanderford moved to grant the request of the House and appoint a new conference committee.

Senator Purl made a substitute motion to print the report in the Journal and defer action until tomorrow.

The substitute motion was lost.

The question recurring on the motion to reject the report, the motion prevailed.

#### House Bill No. 52.

##### Committee Amendment No. 7.

Amend H. B. No. 52 by inserting before line one on page 10, the following:

For the Year  
Ending  
August 31,  
1934

Inspectors, none to exceed  
\$1,320.00 per year ----- \$25,000.00

Senator Cousins sent up the following amendment to Committee Amendment No. 7:

Amend Committee Amendment No. 7 to H. B. No. 52 so that said Committee Amendment No. 7 will read as follows:

##### Livestock Sanitary Commission.

For the Year  
Ending  
August 31,  
1934

Inspectors, none to exceed  
\$1,320.00 per year ----- \$50,000.00  
COUSINS.

Senator Purl moved to table the amendment. The motion to table was lost by the following vote:

Yeas—5.

Collie.	Poage.
DeBerry.	Purl.
Pace.	

Nays—20.

Beck.	Patton.
Blackert.	Rawlings.
Cousins.	Redditt.
Duggan.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

##### Committee Amendment No. 8.

Amend H. B. No. 52, page 9, so that the same, being amended, shall read as follows:

Absent.

Greer.	Oneal.
Murphy.	

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	

Pending.

Recess.

On motion of Senator Woodward, the Senate, at 6:25 o'clock p. m., recessed until 8 o'clock p. m. tonight.

After Recess.

The Senate was called to order, pursuant to recess, at 8 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

#### House Bill No. 52.

The question recurs on the amendment of Senator Cousins to Committee Amendment No. 7.

The amendment to the committee amendment was adopted by the following vote:

Yeas—15.

Beck.	Parr.
Blackert.	Rawlings.
Cousins.	Russek.
Duggan.	Sanderford.
Holbrook.	Small.
Hornsby.	Woodul.
Martin.	Woodward.
Moore.	

Nays—6.

Collie.	Pace.
DeBerry.	Poage.
Murphy.	Redditt.

Absent.

Greer.	Purl.
Neal.	Stone.
Oneal.	Woodruff.
Patton.	

Absent—Excused.

Fellbaum.	Regan.
Hopkins.	

The Committee Amendment No. 7 was adopted.

## RANGER SERVICE.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Upkeep and transportation not to exceed Five Cents (5c) per mile for privately owned cars .....	\$ 9,200.00	\$ 9,200.00
Subsistence when absent from home station under orders at not to exceed \$3.60 per day in addition to home station allowance .....	4,500.00	9,000.00
Hospitalization and medical attention, when injured in line of duty and funeral expenses when killed in action, stationery, freight, postage, express, telegraph, telephone, and contingent expenses .....	4,500.00	9,000.00

This appropriation for the Ranger Service is in addition to the appropriations made in the Regular Session of the Forty-third Legislature, as shown in H. B. No. 167, Chapter 166, page 431, Acts of the Regular Session of the Forty-third Legislature.

Senator Moore sent up the following substitute to Committee Amendment No. 8:

Amend H. B. No. 52 by striking out that portion pertaining to the Ranger Service of said H. B. No. 52, and inserting in lieu thereof the following:

## RANGER SERVICE.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Six captains at \$160.00 per month; one headquarters sergeant at \$130.00 per month; twenty-five privates at \$125.00 per month .....	\$ 25,630.00	\$ 51,260.00
Subsistence at \$1.00 per day per man .....	5,860.00	11,720.00
Auto upkeep and transportation at 5c per mile for privately owned cars, not exceeding 1,000 miles per month .....	9,600.00	19,200.00
Subsistence when absent from home station under orders at not to exceed \$3.60 per day in addition to home station allowance, hospitalization, and medical attention when injured in line of duty and funeral expenses when killed in action, stationery, freight, postage, express, telegraph, telephone and contingent expenses .....	16,000.00	32,000.00
Ammunition .....	375.00	750.00
Transportation .....	750.00	1,200.00
Forage .....	450.00	900.00
Expenses of Adjutant General enforcing the laws, making investigations, and to employ men other than Rangers when necessary .....	1,000.00	2,000.00
Stenographer .....	600.00	1,200.00

This appropriation for the Ranger Service is in lieu of the appropriations made in the Regular Session of the Forty-third Legislature, as shown in House Bill No. 167, Chapter 166, page 431, Acts of the Regular Session of the Forty-third Legislature.

MOORE,  
RUSSEK,  
WOODRUFF.

Senator Holbrook moved to table the substitute amendment.  
The substitute amendment was tabled by the following vote:

Yeas—13.		Present—Not Voting.	
Beck.	Hopkins.	Woodul.	
Blackert.	Martin.		Absent.
Collie.	Murphy.		
Cousins.	Poage.	Greer.	Stone.
DeBerry.	Redditt.	Purl.	
Duggan.	Sanderford.		Absent—Excused.
Holbrook.			
Nays—9.		Fellbaum.	Rawlings.
Hornsby.	Russek.	Neal.	Regan.
Moore.	Small.	Oneal.	
Pace.	Woodruff.	The question recurs on Committee Amendment No. 8.	
Parr.	Woodward.		
Patton.		The amendment was adopted.	

Committee Amendment No. 9.

Amend H. B. No. 52 by inserting after line 21, on page 11, the following:

BOARD OF COUNTY AND DISTRICT INDEBTEDNESS.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Secretary-Manager .....	\$ 2,100.00	\$ 4,200.00
School bond clerk .....	1,050.00	2,100.00
Total .....	\$ 3,150.00	\$ 6,300.00

The above amounts are appropriated in addition to the amounts heretofore appropriated for the Board of County and District Road Indebtedness, and shall be used to supplement said appropriation made for the above named Board of County and District Road Indebtedness in General Appropriation Bill for State Departments, known as H. B. No. 167, and shown in the General Laws of the State of Texas, Forty-third Legislature, Regular Session, Chapter 166; and the appropriation herein made shall be out of the same fund as shown in said general bill.

It shall be the duty of the Secretary-Manager of the Board of County and District Road Indebtedness to serve in an advisory capacity to the State Board of Education in the purchase of bonds by said board out of the Permanent School Fund of Texas, and in connection with the purchase of said bonds and all investigations concerning same and in the keeping of records pertaining to same; the Secretary-Manager herein provided for, shall, with the consent of said board, select a school bond clerk who shall perform such duties in connection with the purchase of bonds by the State Board of Education as may be prescribed by said State Board of Education, and the Secretary-Manager of the Board of County and District Road Indebtedness.

The amendment was adopted.

Committee Amendment No. 10.

Amend H. B. No. 52 by inserting after line 12, on page 11, the following:

## TEXAS STATE HIGHWAY DEPARTMENT.

		For the Years Ending	
		August 31, 1934	August 31, 1935
Administration Division:			
1. First Assistant Highway Engineer.....	\$	50.00	\$ 50.00
2. Telephone operator .....		300.00	300.00
3. Mailing clerk .....		45.00	45.00
Engineering Division:			
4. Bridge draftsmen, two .....		150.00	150.00
5. Engineers materials and tests.....		150.00	150.00
Maintenance Division:			
6. Assistant Maintenance Engineer.....		75.00	75.00
7. File clerk .....		45.00	45.00
Total .....	\$	815.00	\$ 815.00

Provided, that the above and foregoing amounts appropriated herein for the State Highway Department, and for services rendered by other agencies of the State Government to the Highway Department, shall be paid out of the State Highway Fund upon warrants issued by the State Comptroller, as provided by Chapter 1, Title 116, Revised Civil Statutes, 1925, and amendments thereto; provided further, that all funds or balances of funds on hand September 1, 1933, and all funds coming into the State Highway Fund and derived from registration fees or from other sources, after deducting the total of the specific appropriations herein made, are hereby appropriated to the State Highway Department for the establishment of a system of State highways and the construction and maintenance thereof as contemplated and set forth in said Chapter 1, Title 116, and Chapter 186, General Laws of the Regular Session of the Thirty-ninth Legislature, and amendments thereto.

The above amounts are hereby appropriated in addition to the amounts heretofore appropriated for the positions itemized above and shall be used to supplement said appropriation made for the above positions in General Appropriation Bill for State Departments, known as H. B. No. 167 and shown in the General Laws of the State of Texas, Forty-third Legislature, Regular Session, Chapter 166.

The amendment was adopted.

## Committee Amendment No. 11.

Amend H. B. No. 52 by inserting after line 4, on page 13, the following:

There is hereby appropriated out of the General Fund in the State Treasury not otherwise appropriated, to cover an emergency appropriation for the Sam Houston State Teachers College at Huntsville, Texas, in the amount of \$2,800.00 or so much thereof as may be necessary. Said appropriation is made for the purpose of aiding the City of Huntsville and the CWA in financing of the construction of paving around the State Teachers College at Huntsville, Texas. This appropriation is made subject to the condition that the Board of Regents of the Sam Houston State Teachers College shall have charge of such construction and expenditure of the sum of money hereby and herein appropriated to said institution.

The amendment was adopted.

## Committee Amendment No. 12.

Amend H. B. No. 52, by inserting after line 9, page 7, the following:

## COMPTROLLER'S DEPARTMENT.

	For the Years Ending	
	August 31,	August 31,
	1934	1935

To pay respective county taxes due them on  
University land contained in such coun-  
ties, to be paid out of the Available  
University Fund ----- \$ 35,000.00 \$ 35,000.00  
(Or so much thereof as may be  
necessary.)

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 52 by inserting at the end of Section 1, the following:

## INDUSTRIAL ACCIDENT BOARD.

	For the Year
	Ending
	August 31,
	1934.

Traveling expenses ----- \$ 500.00  
(To supplement appropriation made in House Bill 167, Chapter  
166, page 489, General Laws, Forty-third Legislature, Regular  
Session.)

HOLBROOK.

The amendment was adopted.

Senator Holbrook sent up the fol-  
lowing amendment:

Amend H. B. No. 52, by adding  
a new section to be known as Sec-  
tion —:

"Section No. —. There is hereby  
appropriated out of the General  
Fund of the State of Texas, out of  
any sums not otherwise appropriated  
the sum of two thousand nine hun-  
dred and twenty-five dollars as an  
emergency appropriation for the use  
and benefit of the Commission for  
the Blind. The Commission for the  
Blind is hereby authorized, empow-  
ered, and directed to employ one (1)  
stenographer in addition to the em-  
ployees provided in Chapter 166,  
Acts of the Regular Session of the  
Forty-third Legislature, and to pay  
said stenographer out of the sum  
herein appropriated a salary not to  
exceed seventy-five dollars (\$75.00)  
per month, said salary to begin on  
the first day of March, 1934, and  
continue through the remainder of  
the biennium ending August 31,  
1935; and any sums of money re-  
maining out of the appropriation  
provided herein, after the payment  
of the salary of stenographer shall  
be used to pay the necessary travel-  
ing expenses of the members or duly  
authorized agents of the State Com-  
mission for the Blind; said remain-

ing sums of money to be used for  
such traveling expenses is in addi-  
tion to any sums for traveling ex-  
penses provided for in Chapter 166,  
Acts of the Regular Session of the  
Forty-third Legislature."

HOLBROOK.

The amendment was adopted.

Senator Holbrook sent up the fol-  
lowing amendment:

Amend H. B. No. 52 by adding a  
new section immediately preceding  
the emergency clause to read as fol-  
lows:

"That the sum of three thousand  
dollars (\$3,000.00) or so much  
thereof as may be necessary is here-  
by appropriated to the Secretary of  
State out of any moneys in the State  
Treasury not otherwise appropriated  
for the compiling, editing, indexing,  
printing, binding and distributing of  
the General and Special Laws of the  
Second Called Session of the Forty-  
third Legislature and/or any subse-  
quent Called Session of the Forty-  
third Legislature, and for the distri-  
bute of the Journals of said ses-  
sions of said Legislature, to be used  
to supplement any balance in any  
fund heretofore appropriated for said  
purpose."

HOLBROOK.



The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 52, by adding on page 8, between lines 6 and 7, another section as follows:

#### DEPARTMENT OF BANKING.

"Traveling expenses for examiners and employees \$4,500.00"

"For improvement of building by additions in the halls, creating three rooms ..... 500.00"

HOLBROOK.

The amendment was adopted.

Senator Holbrook sent up the following amendment by request:

Amend H. B. No. 52, Section — to read as follows:

"For the purpose of enabling the Secretary of State to properly preserve against destruction by fire or otherwise, all papers and voluminous records, correspondence and other papers that are now stored mainly in the basement of the Capitol and which create a fire hazard, and in order to provide for an additional needed employe and a desk and such filing cabinets as will be necessary to faithfully and efficiently carry out such work and segregate and preserve such records to the State and its posterity, the following sums of money, or so much thereof as may be necessary, be, and same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the purpose as above stated, beginning March 1, 1934, and ending August 31, 1935; further that any unused portion of said sums herein appropriated shall revert to the General Fund of the State Treasury.

"Record clerk ..... \$1,350.00"

("Which said amount is to be paid in monthly salary of not exceeding \$75.00 for month beginning March 1, 1934").

"For desk and such filing cabinets and contingencies as are necessary \$1,000.00"

HOLBROOK.

The amendment was lost.

Senator Holbrook sent up the following amendment by request:

Amend H. B. No. 52 (appropriation) by striking out amendment by Head, Clayton, Hughes, Townsend and Metcalf.

The amendment was lost.

Senator Purl sent up the following amendment:

Amend H. B. No. 52, by adding a new section as follows:

#### State Capitol.

"There is hereby appropriated out of the general funds of this State, not otherwise appropriated, the sum of \$750,000.00 or so much thereof as may be necessary for the purpose of remodeling, reconstructing, repairing, refinishing and making more nearly fire proof the State Capitol building. The Board of Control is authorized and directed to call upon any officers of any State Department or institution for advice and counsel in making suitable plans to carry out the purposes of this appropriation, and are authorized and directed to act for the State in securing from the Federal Government an absolute grant of \$1,000,000.00 to supplement the appropriation herein made."

PURL.

The amendment was adopted by the following vote:

#### Yeas—12.

Beck.	Parr.
Cousins.	Patton.
Holbrook.	Purl.
Hopkins.	Russek.
Hornsby.	Stone.
Martin.	Woodruff.

#### Nays—10.

Blackert.	Murphy.
Collie.	Pace.
DeBerry.	Poage.
Duggan.	Redditt.
Moore.	Small.

#### Absent.

Greer.	Woodul.
Sanderford.	Woodward.

#### Absent—Excused.

Fellbaum.	Rawlings.
Neal.	Regan.
Oneal.	

Senator Purl sent up the following amendment:

Amend H. B. No. 52, by striking out "chairman of the" wherever it appears on pages 228-229 of the Senate Journal.

PURL.

The amendment was adopted.

On motion of Senator Holbrook, the Senate granted unanimous consent to amend the caption to conform to the body of the bill as amended.

Senator Purl sent up the following amendment:

Amend H. B. No. 52, by striking out all of page 230 in the Journal after "Texas Park Board" and down to "Texas State Department of Agriculture" on page 230.

PURL.

Senator Hopkins moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—15.

Cousins.	Patton.
Holbrook.	Redditt.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodul.
Parr.	

Nays—11.

Blackert.	Pace.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Woodruff.
Moore.	Woodward.
Oneal.	

Absent

Beck.	Rawlings.
Greer.	

Absent—Excused.

Fellbaum.	Regan.
-----------	--------

Senator Woodruff sent up the following amendment:

Amend H. B. No. 52, by adding a new item as follows:

"To supplement appropriation for salaries and maintenance of summer school at the College of Industrial Arts for 1934, payable out of local funds, \$2,860.00."

WOODRUFF.

The amendment was adopted.

Senator Collie sent up the following amendment:

Amend H. B. No. 52, by striking out all provisions and appropriations carried under "State Library and Historical Commission."

COLLIE.

The amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 52 was put on its third reading and final passage by the following vote:

Yeas—21.

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—6.

Collie.	Poage.
Moore.	Purl.
Murphy.	

Absent—Excused.

Fellbaum.	Reagan.
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Read third time and finally passed by the following vote:

Yeas—17.

Beck.	Patton.
Cousins.	Redditt.
Duggan.	Russek.
Holbrook.	Sanderford.
Hopkins.	Stone.
Hornsby.	Woodruff.
Martin.	Woodul.
Neal.	Woodward.
Parr.	

Nays—9.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Purl.
Moore.	Small.
Murphy.	

Present—Not Voting.

Pace. Rawlings.

Absent.

Greer.

Absent—Excused.

Fellbaum. Regan.

### Free Conference Report.

Senator Small sent up the following Free Conference Report:

Committee Room,

Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

and,

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on H. B. No. 99, beg leave to submit the following report:

We have had H. B. No. 99 under consideration and recommend the adoption of the attached bill as rewritten by your conference committee.

SMALL,  
COUSINS,  
MURPHY,  
PACE.

On part of the Senate.

LONG,  
WELLS,  
ROBERTS,  
ALEXANDER,  
SCARBOROUGH.

On part of the House.

By Long. H. B. No. 99.

### A BILL

#### To Be Entitled

An Act amending Section 3 Chapter 2, Acts Forty-second Legislature, Fourth Called Session, requiring all persons, companies or corporations producing, storing, transporting, refining, reclaiming, treating, marketing or processing crude oil or natural gas, to keep accurate records pertaining to their business; authorizing and requiring the Railroad Commission of Texas to inquire into the facts in regard to such matters, or any of them; authorizing the Railroad Commission to require

such persons to make and file with the commission sworn statements or reports as to such facts; authorizing the Railroad Commission and its agents to inspect or gauge the wells, plants, tanks or lines belonging to or under the control of such persons, companies or corporations and to examine the books and records of such persons, companies or corporations; providing that the information thus secured shall not be available for any private use but shall be restricted to the use of any governmental agency; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 3, Chapter 2, Acts Forty-second Legislature, Fourth Called Session, be and the same is hereby amended so that it shall hereafter read as follows:

"Section 5. The Railroad Commission shall have the power and it shall be its duty from time to time to inquire into the production, storage, transportation, refining, reclaiming, treating, marketing or processing of crude oil and/or natural gas, and the reasonable market or consumer demanded therefor, in order to determine whether or not waste exists or is imminent, or whether the conservation laws of Texas or the orders of the Railroad Commission are being violated. It shall be the duty of all persons, companies or corporations producing, storing, transporting, refining, reclaiming, treating, marketing or processing crude oil or natural gas, to keep accurate records as to the amount of such products produced, stored, transported, refined, reclaimed, treated, marketed or processed by such person, company or corporation; and as to the source from which such person, company or corporation has produced, obtained or received crude oil, natural gas, or the products of either, and the disposition made of same. The commission shall have the right to require all such persons, companies or corporations to make and file with the commission sworn statements or reports as to facts within their knowledge or possession pertaining to the production, storing, transportation, refining, reclaiming, treating, marketing or processing of crude oil or natural gas and the reasonable

market or consumer demand therefor, including those facts enumerated herein; and to require any well, plant, tank or storage, or pipe line or gathering line belonging to or under the control of any such person, company or corporation, to be inspected or gauged by the agents of the commission whenever and as often and for such periods as the commission may deem necessary; and the commission and its agents may likewise examine the books and records of any such person, company or corporation as often as deemed necessary for the purpose of ascertaining the facts concerning the matters and things hereinabove set forth. The data, reports and information obtained and received hereunder shall not be available for any private use or public circulation, but shall be available to any State governmental agency."

Sec. 2. This act shall not repeal any existing law not inconsistent therewith but shall be considered to be cumulative of the same.

Sec. 3. The fact that the Railroad Commission under court decisions probably does not at this time have jurisdiction over certain of the businesses and companies mentioned in this act, which fact seriously handicaps the enforcement of the conservation laws of this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was adopted by the following vote:

Yeas—24.

Beck.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.

Nays—1.

Moore.

Present—Not Voting.

DeBerry.

Absent.

Blackert.

Pace.

Absent—Excused.

Regan.

House Bill No. 45.

On motion of Senator Oneal, the Senate took up out of its regular order, H. B. No. 45 by the following vote:

Yeas—26.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent.

Beck.

Blackert.

Holbrook.

Absent—Excused.

Fellbaum.

Regan.

By Mr. Moffett:

H. B. No. 45, A bill to be entitled "An Act providing for the Agricultural and Mechanical College Substation No. 12, located in Hardeman County, Texas, in order to provide material and labor to reconstruct buildings destroyed by fire on January 18, 1934; making an appropriation to said Agricultural and Mechanical College Substation No. 12, for said purposes, and declaring an emergency."

"The bill was read second time and passed to third reading.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 45 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.

Collie.

Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent.

Blackert.

Absent—Excused.

Fellbaum. Regan.

Read third time and finally passed  
by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum. Regan.

**House Bill No. 112.**

On motion of Senator Martin, the  
Senate, by the following vote,  
granted consent to take up and con-  
sider at this time, H. B. No. 112:

Yeas—21.

Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—1.

Moore.

Present—Not Voting.

Collie.

Absent.

Beck.

Poage.

Blackert.

Redditt.

Hopkins.

Russek.

Absent—Excused.

Fellbaum.

Regan.

H. B. No. 112, A bill to be entitled  
"An Act to amend Article 1650, of  
the Revised Civil Statutes of Texas,  
1925; repealing all laws in conflict  
herewith, and declaring an emer-  
gency."

Senator Purl sent up the follow-  
ing amendment:

Amend H. B. No. 112, by adding  
a new section to be known as Section  
1-A, to read as follows:

Article 1641 of the Revised Civil  
Statutes of 1925 be and the same is  
hereby amended so as to read here-  
after as follows:

"Article 1641. Audit by account-  
ant.—Any commissioners' court,  
when in its judgment an imperative  
public necessity exists therefor, shall  
have authority to employ a disinter-  
ested, competent and expert public  
accountant to audit all or any part  
of the books, records, or accounts of  
the county; or of any district, coun-  
ty or precinct officers, agents or em-  
ployes, including auditors of the  
counties, and all governmental units  
of the county, hospitals, farms, and  
other institutions of the county kept  
and maintained at public expense, as  
well as for all matters relating to or  
affecting the fiscal affairs of the  
county. The resolution providing for  
such audit shall recite the reasons  
and necessity existing therefor such  
as that in the judgment of said court  
there exists official misconduct; will-  
ful omission or negligence in records  
and reports, misapplication, conver-  
sion or retention of public funds,  
failure in keeping accounts, making  
reports and accounting for public  
funds by any officer, agent or em-  
ployee of the district, county or pre-  
cinct, including depositories, hos-  
pitals, and other public institutions  
maintained for the public benefit.

and at public expense; or that in the judgment of the court, it is necessary that it have the information sought to enable it to determine and fix proper appropriation and expenditure of public moneys, and to ascertain and fix a just and proper tax levy. The said resolution may be presented in writing at any regular or called session of the commissioners' court, but shall lie over to the next regular term of said court, and shall be published in one issue of a newspaper of general circulation published in the county; provided if there be no such newspaper published in the said county, then notice thereof shall be posted in three public places in said county, one of which shall be at the court house door, for at least ten days prior to its adoption. At such next regular term said resolution shall be adopted by a majority vote of the four commissioners of the court and approved by the county judge. Any contract entered into by said commissioners' court for the audit provided herein shall be made in accordance with the statutes applicable to the letting of contracts by said court, payment for which may be made out of the public funds of the county in accordance with said statutes. The authority conferred on county auditors contained in this title as well as other provisions of statutes relating to district, county and precinct finances and accounts thereof shall be held subordinate to the powers given herein to the commissioners' court. Provided, however, that the grand jury of any county or the State Auditor when in the judgment of either, an imperative public necessity exists therefor, shall have authority to employ a disinterested, competent and expert public accountant for the same purposes authorized by Article 1641, or for any other necessary purpose; provided, however, that same shall not be made more than once every two years, except for the purpose of supplementing any audit theretofore made. The same notice shall be given as provided in the preceding article, one week prior to the making of said contract with such auditor, and the same shall be paid for out of the general funds of said county."

PURL.

The amendment was adopted.

Senator Moore sent up the following amendment:

Amend H. B. No. 112, as follows:

"Provided, that the provisions of this Act shall not apply to counties having a population of not less than 46,180 nor more than 46,190, and all counties having a population of not less than 49,016 nor more than 49,026, according to the last preceding Federal Census."

MOORE.

The amendment was adopted.

Senator Martin sent up the following amendment:

Amend H. B. No. 112, by adding after the emergency clause the following:

"Provided that if any part of this said bill shall be held unconstitutional it shall not in anywise effect the remaining part of same."

MARTIN.

On motion of Senator Purl, the Senate granted unanimous consent to change the caption to conform to the bill as amended.

On motion of Senator Hornsby the previous question was ordered on the bill.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 112 was put on its third reading and final passage by the following vote:

Yeas—22.

Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—2.

Collie.

Moore.

## Absent.

Beck. Poage.  
Blackert. Russek.  
Hopkins.

## Absent—Excused.

Fellbaum. Regan.

Read third time and finally passed  
by the following vote:

## Yeas—18.

Cousins. Patton.  
Duggan. Poage.  
Greer. Purl.  
Holbrook. Redditt.  
Hornsby. Sanderford.  
Martin. Stone.  
Murphy. Woodruff.  
Neal. Woodul.  
Parr. Woodward.

## Nays—5.

Collie. Oneal.  
DeBerry. Pace.  
Moore.

## Present—Not Voting.

Rawlings.

## Absent.

Beck. Russek.  
Blackert. Small.  
Hopkins.

## Absent—Excused.

Fellbaum. Regan.

## House Bill No. 141.

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 141, A bill to be entitled  
"An Act to prohibit the taking kill-  
ing or possession of wild fox for the  
purpose of barter or sale in certain  
counties, and declaring an emer-  
gency."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent

The bill was read second time and  
passed to third reading.

On motion of Senator Greer the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 141 was put  
on its third reading and final passage  
by the following vote:

## Yeas—26.

Beck. Neal.  
Blackert. Pace.  
Collie. Parr.  
Cousins. Patton.  
DeBerry. Rawlings.  
Duggan. Redditt.  
Greer. Russek.  
Holbrook. Sanderford.  
Hopkins. Small.  
Hornsby. Stone.  
Martin. Woodruff.  
Moore. Woodul.  
Murphy. Woodward.

## Absent.

Oneal. Purl.  
Poage.

## Absent—Excused.

Fellbaum. Regan.

Read third time and finally passed  
by the following vote:

## Yeas—24.

Collie. Pace.  
Cousins. Parr.  
DeBerry. Patton.  
Duggan. Rawlings.  
Greer. Redditt.  
Holbrook. Russek.  
Hopkins. Sanderford.  
Hornsby. Small.  
Martin. Stone.  
Moore. Woodruff.  
Murphy. Woodul.  
Neal. Woodward.

## Absent.

Beck. Poage.  
Blackert. Purl.  
Oneal.

## Absent—Excused.

Fellbaum. Regan.

## House Bill No. 34.

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 34, A bill to be entitled  
"An Act granting permission to Mrs.  
Ola Anderson and Oran Anderson,  
surviving wife and son of Henry A.  
Anderson, deceased, to bring suit  
against the State of Texas in the  
District Court of Denton County,  
Texas, for damages for personal in-  
juries resulting in death received by  
the said Henry A. Anderson while

on duty as a laborer in the employ of the North Texas State Teachers College, at Denton, Texas; etc."

The committee report was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 34 was put on its third reading and final passage by the following vote:

Yeas—26.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent.

Beck.	Hopkins.
Blackert.	

Absent—Excused.

Fellbaum.	Regan.
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Read third time and finally passed by the following vote:

Yeas—26.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent.

Beck.	Hopkins.
Blackert.	

Absent—Excused.

Fellbaum.	Regan.
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Senate Bill No. 64.

The Chair laid before the Senate

on its second reading the following bill:

S. B. No. 64, A bill to be entitled "An Act relating to agriculture and agricultural products; providing for investigations of the business and affairs of wholesale purchasers thereof, whether under contracts or otherwise; and for licensing and bonding and regulating dealers in such products; etc."

Point of Order.

Senator Purl raised the point of order that it takes two-thirds vote to displace the calendar and the Senator from Bell could not grant permission for another bill to take his place.

The Chair sustained the point of order.

On motion of Senator Parr, the Senate granted unanimous consent to take up and consider S. B. No. 64 at this time.

Senator Parr sent up the following amendment:

Amend S. B. No. 64, Section 17 by inserting the word "only" after the word "Act" and before the word "on" in line number four of printed bill.

PARR. .

The amendment was adopted.

Senator Parr sent up the following amendment:

Amend S. B. No. 64, Section 17 by striking out all after the word "Texas" in line 6 of page 6 of printed bill and substituting in lieu thereof the following:

"Provided, however, that before such transfer is made by the Treasury the Commissioner shall estimate the amount that may be needed to administer the Act during the ensuing year and the Treasurer shall retain this amount in said Special Fund to be used for the administration of this Act only. Said estimate of the Commissioner shall be submitted to the Board of Control who must approve same."

PARR.

The amendment was adopted.

Senator Parr sent up the following amendment:

Amend S. B. No. 64, Section 6, page 3 by striking out in line twenty the words "or by confinement in



the." Also all of line twenty-one of same section.

PARR.

The amendment was adopted.

Senator Parr sent up the following amendment:

Amend S. B. No. 64, Section 1, by adding paragraph (H) reading as follows:

"No person shall be considered a dealer unless he handles during the calendar year amounts totaling 30,000 pounds of any one or more of the varieties of perishables referred to in paragraph (d) of Section 1 of this Act unless produced or grown on his own property."

PARR.

The amendment was adopted.

Senator Parr sent up the following amendment:

Amend S. B. No. 64, Section 1, by adding paragraph (I) to read as follows:

"This bill shall never be construed as prohibiting a grower in the Citrus Zone from shipping or having transported for sale any products grown on his own farm or in his own orchard."

PARR.

The amendment was adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 64, Section 6, line 20, by striking out "\$5,000.00" and insert in lieu thereof "\$500.00."

PURL.

The committee report was adopted by unanimous consent.

The bill was read second time and passed to engrossment by the following vote:

Yeas—14.

Cousins.	Pace.
Duggan.	Parr.
Greer.	Patton.
Hornsby.	Redditt.
Martin.	Small.
Moore.	Woodul.
Neal.	Woodward.

Nays—11.

Collie.	Purl.
DeBerry.	Rawlings.
Holbrook.	Sanderford.
Murphy.	Stone.
Oneal.	Woodruff.
Poage.	

Absent.

Beck.  
Blackert.

Russek.

Absent—Excused.

Fellbaum.  
Hopkins.

Regan.

Senator Parr moved the suspension of the constitutional rule requiring bills to be read on three several days.

The motion failed by the following vote:

Yeas—18.

Cousins.	Parr.
Duggan.	Patton.
Greer.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Nays—7.

Collie.	Poage.
DeBerry.	Purl.
Holbrook.	Rawlings.
Oneal.	

Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

House Bill No. 86.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 86, A bill to be entitled "An Act to amend S. B. No. 111, passed at the Third Called Session of the Thirty-eighth Legislature, as amended by paragraphs 16 and 59 of Article 199, of the Revised Civil Statutes of 1925, which article provides for judicial district of the State; and which paragraph 15 defines the Fifteenth Judicial District, and determines the date and length of term of such district court in Grayson County; and which paragraph 59 defines the Fifty-ninth Judicial District, and determines the date and length of term of such district court in each of the counties of said district, namely, Grayson and Collin Counties; etc."

The committee report recommend-

ing that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Murphy the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 86 was put on its third reading and final passage by the following vote:

Yeas—26.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	

#### House Bill No. 144.

On motion of Senator Pace, the Senate granted permission to take up at this time H. B. No. 144 by the following vote:

Yeas—21.

Cousins.	Duggan.
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Greer.	Patton.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—3.

Holbrook.	Purl.
Poage.	

Present—Not Voting.

Collie.	Absent.
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DeBerry.	Russek.
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Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 144, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature; and amending Article 3902 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature; providing for the fees of office that may be retained by certain precinct officers in certain counties; providing for salaries that may be paid certain assistants to certain officers in certain counties; and declaring an emergency."

Senator Pace sent up the following amendment:

Amend H. B. No. 144, by striking out in Section 2, subsection 6a lines 6 and 7 of said subsection 6a the following words "or investigators working under the direction of the district attorney or criminal district attorney."

PACE.

The amendment was adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Pace the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 144 was put on its third reading and final passage by the following vote:

Yeas—24.

Collie.	Oneal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Nays—2.

Poage.	Purl.
Absent—Excused.	
Beck.	Regan.
Blackert.	Russek.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—21.

Collie.	Patton.
Cousins.	Rawlings.
Duggan.	Redditt.
Greer.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—5.

DeBerry.	Poage.
Holbrook.	Purl.
Murphy.	
Absent—Excused.	
Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	

#### House Bill No. 14.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 14, A bill to be entitled "An Act to amend Article 5395, of

Chapter 5, of Title 86, of the Revised Civil Statutes, 1925, relating to the time of payment of rentals on mining claims awarded under Article 5397, of Chapter 5, of Title 86, of Revised Civil Statutes of Texas, 1925."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time and passed to third reading.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 14 was put on its third reading and final passage by the following vote:

Yeas—26.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—1.

Holbrook.

Absent—Excused.

Beck.	Fellbaum.
Blackert.	Regan.

Read third time and finally passed by the following vote:

Yeas—22.

Collie.	Patton.
Cousins.	Poage.
Duggan.	Rawlings.
Greer.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—4.

DeBerry.	Oneal.
Holbrook.	Purl.

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Reagan.
Fellbaum.	

**H. C. R. No. 24.**

On motion of Senator Holbrook the Senate granted unanimous consent to consider at this time

H. C. R. No. 24, Granting permission to A. J. Harbers to sue the State.

The resolution was adopted.

**House Bill No. 124.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 124, A bill to be entitled "An Act to amend Chapter 105 of the Special Laws passed by the Thirty-third Legislature, at its Regular Session in 1913, same being a special road law for Jackson County, Texas, by adding thereto Sections 4-a, 4-b, and 4-c, creating Road District No. 7, Jackson County, Texas, defining and specifically setting out its boundaries; etc."

The committee report was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator DeBerry, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 124 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Reagan.
Fellbaum.	Russek.

Read third time and finally passed by the following vote:

**Yeas—25.**

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Redditt.
Fellbaum.	Russek.

**H. C. R. No. 25.**

On motion of Senator Collie, the Senate took up

H. C. R. No. 25, Granting Noel D. Smith permission to sue the State by the following vote:

**Yeas—24.**

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Hornsby.	Redditt.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

**Nays—1.**

Holbrook.

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Reagan.
Fellbaum.	Russek.

The resolution was adopted.

**H. C. R. No. 12.**

The Chair placed before the Senate

H. C. R. No. 12, Declaring it to be the intention of the Legislature that Chapter 165, Acts of the Forty-second Legislature, Regular Session, shall control the deposit of securities deposited under Article 696.

The resolution was adopted.

**House Bill No. 56.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 56, A bill to be entitled "An Act repealing H. B. No. 854 as passed by the Forty-third Legislature in Regular Session, and declaring an emergency."

The committee report was adopted by unanimous consent.

The bill was read second time, and passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 56 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Reagan.
Fellbaum.	

Read third time and finally passed by vica voce vote.

**House Bill No. 119.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 119, A bill to be entitled "An Act amending Subdivision f, of Section 6, of Chapter 116, Acts of the Forty-third Legislature, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 119 was put on its third reading and final passage by the following vote:

**Yeas—21.**

Beck.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Redditt.
Duggan.	Sanderford.
Greer.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Nays—5.**

Holbrook.	Purl.
Oneal.	Rawlings.
Poage.	

**Absent—Excused.**

Blackert.	Regan.
Fellbaum.	Russek.
Hopkins.	

Read third time and failed to pass by the following vote:

**Yeas—9.**

Beck.	Redditt.
Cousins.	Stone.
Martin.	Woodul.
Parr.	Woodward.
Patton.	

**Nays—17.**

Collie.	Oneal.
DeBerry.	Pace.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Woodruff.
Neal.	

**Absent—Excused.**

Blackert.	Regan.
Fellbaum.	Russek.
Hopkins.	

A Senator moved to reconsider and spread in the Journal the vote by which the bill failed to pass.

Senator Purl called from the Journal the bill and moved to table the motion to reconsider.

The motion to reconsider failed and the vote by which the bill failed to pass returns to the Journal by the following vote:

**Yeas—6.**

Duggan.	Greer.
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Holbrook.  
Oneal.

Poage.  
Purl.

**Nays—19.**

Collie.	Patton.
Cousins.	Rawlings.
DeBerry.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.
Parr.	

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Reagan.
Fellbaum.	Russek.

**House Bill No. 78.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 78, A bill to be entitled "An Act to validate the organization and creation of all school districts including common school districts, independent school districts, etc., validating all tax levies made in behalf of said districts; making certain exceptions, and declaring an emergency."

The committee report was adopted by unanimous consent.

The bill was read second time, and passed to third reading.

On motion of a Senator the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 78 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Reagan.
Fellbaum.	Russek.

Read third time and finally passed by the following vote:

**Yeas—25.**

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Reagan.
Fellbaum.	Russek.

**House Bill No. 64.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 64, A bill to be entitled "An Act providing that in all counties having a population in excess of 350,000 inhabitants, according to the last available Federal Census, the county school superintendent shall be appointed by the board of county school trustees and shall hold office for four (4) years, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 64 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Collie.	Oneal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.

Woodruff.  
Woodul.

Woodward.

Absent—Excused.

Beck.  
Blackert.  
Fellbaum.

Hopkins.  
Regan.  
Russek.

Read third time and finally passed  
by the following vote:

Yeas—21.

Collie.  
Cousins.  
Duggan.  
Greer.  
Hornsby.  
Martin.  
Moore.  
Neal.  
Oneal.  
Pace.  
Parr.

Patton.  
Poage.  
Redditt.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Nays—5.

DeBerry.  
Holbrook.  
Murphy.

Purl.  
Rawlings.

Absent—Excused.

Beck.  
Blackert.  
Fellbaum.

Hopkins.  
Regan.

#### House Bill No. 75.

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 75, A bill to be entitled  
"An Act prohibiting the taking of  
minnows for the purpose of sale from  
certain waters of Bell County; pro-  
hibiting the transportation by any  
one person at one time of more than  
one hundred (100) minnows beyond  
the borders of Bell County; provid-  
ing a penalty, and declaring an emer-  
gency."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The bill was read second time and  
passed to third reading.

On motion of Senator Sanderford,  
the constitutional rule requiring bills  
to be read on three several days was  
suspended and H. B. No. 75 was put  
on its third reading and final passage  
by the following vote:

Yeas—26.

Collie.

Cousins.

DeBerry.  
Duggan.  
Greer.  
Holbrook.  
Hornsby.  
Martin.  
Moore.  
Murphy.  
Neal.  
Oneal.  
Pace.  
Parr.

Patton.  
Poage.  
Purl.  
Rawlings.  
Redditt.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

Beck.  
Blackert.  
Fellbaum.

Hopkins.  
Regan.

Read third time and finally passed  
by viva voce vote.

#### House Bill No. 107.

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 107, A bill to be entitled  
"An Act creating Indian Village In-  
dependent School District of Polk  
County, including the present Indian  
Village Common School District No.  
17 of said county; providing a board  
of trustees therefor; vesting said in-  
dependent school district and board  
of trustees with all the rights, pow-  
ers, privileges, and duties conferred  
upon independent school districts in-  
corporated or established under the  
General Laws of Texas for school  
purposes only; providing that the  
board of trustees of the existing  
common school district included  
herein shall serve until their suc-  
cessors are selected in accordance  
with the provisions of this Act, and  
declaring an emergency."

The committee report was adopted  
by unanimous consent.

The bill was read second time,  
and passed to third reading.

On motion of Senator Patton, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 107 was put  
on its third reading and final passage  
by the following vote:

Yeas—25.

Collie.  
Cousins.  
DeBerry.  
Duggan.  
Greer.  
Holbrook.

Hornsby.  
Martin.  
Moore.  
Murphy.  
Neal.  
Oneal.

Pace.	Sanderford.
Parr.	Small.
Patton.	Stone.
Poage.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.
Redditt.	

Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

Read third time and finally passed  
by the following vote:

Yeas—22.

Collie.	Parr.
Cousins.	Patton.
Duggan.	Poage.
Greer.	Purl.
Hornsby.	Redditt.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—3.

DeBerry.	Rawlings.
Holbrook.	

Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

**House Bill No. 156.**

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 156, A bill to be entitled  
"An Act validating the consolidation  
proceedings consolidating Buffalo In-  
dependent School District of Leon  
County, and Concord Common School  
District No. 41, and Martin Common  
School District No. 8 of Freestone  
County; providing for a board of  
trustees; etc., and declaring an emer-  
gency."

The committee report was adopted  
by unanimous consent.

The bill was read second time,  
and passed to third reading.

On motion of Senator Greer, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 156 was put  
on its third reading and final passage  
by the following vote:

Yeas—25.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

Read third time and finally passed  
by the following vote:

Yeas—25.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

**House Bill No. 148.**

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 148, A bill to be entitled  
"An Act to amend Article 878, of  
the Penal Code of the Revised Civil  
Statutes of 1928, relating to the wild  
duck and geese zone; placing certain  
counties in the north zone which are  
now located in the south zone, being  
Shelby, Nacogdoches, San Augustine,  
Angelina, Sabine, Polk, Tyler, Jas-  
per, and Newton, and changing the  
Zone line as to include these counties  
in the north zone, and declaring an  
emergency."

The committee report was adopted  
by unanimous consent.



The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 148 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

Read third time and finally passed by a viva voce vote.

**House Bill No. 66.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 66, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill any wild deer, buck, doe, fawn, or wild turkey in the counties of Hemphill, Roberts, Hutchinson, Potter, Randall, Armstrong, and Briscoe, and prescribing a penalty, and declaring an emergency."

Senator Small sent up the following amendment:

Amend H. B. No. 66 by adding "Kent" after the word "Hemphill."

**SMALL.**

The amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 66 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

Read third time and finally passed by the following vote:

**Yeas—25.**

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

**Senate Bill No. 73.**

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 73, A bill to be entitled "An Act to amend Articles 1847 and 1848, Chapter 3, Title 39, of the Revised Statutes of 1925, as amended by Chapter 64, page 98 of the Acts of the Regular Session of the Forty-second Legislature, so as to provide for the filing of records in the order received in the Court of Civil Appeals, and for setting of cases for submission in said court and for notice thereof to the parties of the receipt of the record and instruments by the clerk and the date set

for submission, and so as to provide for time for filing briefs in the Court of Civil Appeals, and authorizing the granting of further time for filing briefs in said court, and for extension of time for submission of cases in said court, and repealing Article 2283 of the Revised Statutes of 1925, and repealing all laws in conflict with this Act, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 73 was put on its third reading and final passage by the following vote:

## Yeas—25.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

Read third time and finally passed by the following vote:

## Yeas—25.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

## Absent—Excused.

Beck.	Blackert.
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Fellbaum.	Regan.
Hopkins.	

## Vote to Adjourn.

Senator Sanderford moved to adjourn until 10 o'clock a. m., tomorrow.

The Senate refused to adjourn by the following vote:

## Yeas—7.

Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Sanderford.
Holbrook.	

## Nays—17.

Greer.	Patton.
Hornsby.	Purl.
Martin.	Rawlings.
Moore.	Redditt.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

## Absent.

Cousins.	Small.
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## Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

## House Bill No. 27.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 27, A bill to be entitled "An Act making an appropriation to pay deficiencies for interest on bonds of the State of Texas, held by Permanent School Fund, Permanent Lunatic Asylum Fund, Permanent Blind Institute Fund, Permanent Deaf and Dumb Institute Fund, and Permanent Orphans Home Fund of the State of Texas, authorizing payment of interest on the taking effect of this Act."

The committee report was adopted by unanimous consent.

The bill was read second time and passed third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 27 was put on its third reading and final passage by the following vote:

## Yeas—24.

Collie.	Cousins.
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Duggan.	Patton.
Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

**Nays—1.**

DeBerry.

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

Read third time and finally passed by the following vote:

**Yeas—22.**

Collie.	Pace.
Cousins.	Parr.
Duggan.	Patton.
Greer.	Purl.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Nays—3.**

DeBerry.	Rawlings.
Poage.	

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

**House Bill No. 161.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 161, A bill to be entitled "An Act further defining the offense of bribery; making any person employed in any department of State Government guilty of bribery who contributes to the head of the department in which he is employed any money or property to further the campaign of such department head for nomination or election to any State office; providing that if any such employe uses any property belonging to State to aid in any

campaign for office sought by the head of the department in which he is employed, he shall be guilty of bribery; providing that any State officer who accepts campaign contributions from State employes in his department or knowingly permits same to be done, shall be guilty of accepting a bribe; providing penalties; and declaring an emergency."

The committee report was adopted by unanimous consent.

Read second time and passed to third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 161 was put on its third reading and final passage by the following vote:

**Yeas—20.**

Collie.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hornsby.	Redditt.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.

**Nays—3.**

Purl.	Woodruff.
Rawlings.	

**Absent.**

Cousins.	Small.
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**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

Senator Purl sent up the following amendment:

Strike out "Head of Department" and insert in lieu thereof "any member of any State or county department of the State Government."

**PURL.**

The amendment was adopted.

The bill was finally passed by viva voce vote.

**Motion to Adjourn.**

Senator DeBerry moved to adjourn until 10 o'clock a. m., tomorrow morning.

The Senate refused to adjourn by the following vote:

## Yeas—6.

Collie.	Holbrook.
DeBerry.	Hornsby.
Duggan.	Sanderford.

## Nays—15.

Greer.	Purl.
Martin.	Rawlings.
Moore.	Redditt.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

## Absent.

Cousins.	Poage.
Oneal.	Small.
Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

## House Bill No. 67.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 67, A bill to be entitled "An Act requiring every person, firm, corporation, or association of persons in this State who sells cigarettes by means of a vending machine of any kind or character to secure a permit from the Comptroller of Public Accounts, as is required of other dealers under the provisions of Chapter 90; etc."

The committee report was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 67 was put on its third reading and final passage by the following vote:

## Yeas—22.

Collie.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent.

Cousins.	Small.
Poage.	

## Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

Read third time and finally passed by the following vote:

## Yeas—24.

Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent.

Small.

## Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	Russek.

## House Bill No. 33.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 33, A bill to be entitled "An Act authorizing the Governor to refund the principal of outstanding State of Texas bonds held by the State Permanent School Fund, and other educational and eleemosynary institutions' permanent funds; authorizing and directing the Governor to exchange said refunding bonds for the principal of outstanding State of Texas bonds; making an appropriation to pay the expense of such refunding, and declaring an emergency."

The committee report was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 33 was put on its third reading and final passage by the following vote:

## Yeas—23.

Collie.	Parr.
DeBerry.	Patton.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Beck.	Hopkins.
Blackert.	Poage.
Cousins.	Regan.
Fellbaum.	Russek.

Read third time and finally passed by the following vote:

## Yeas—26.

Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

## Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Fellbaum.	

## House Bill No. 132.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 132, A bill to be entitled "An Act to provide a more efficient system for the appointment of deputy district clerks serving in counties of more than 355,000 population, in which county there are more than one district court, including criminal district courts, by providing that the clerk of the district court may appoint a deputy for each district court or criminal district court in his county when directed so to do by the judge of any such court; fixing the salaries of such deputies, and pro-

viding a method for their payment, and declaring an emergency."

The committee report was adopted by unanimous consent.

The bill was read second time, and passed to third reading.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 132 was put on its third reading and final passage by the following vote:

## Yeas—22.

Collie.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

Beck.	Poage.
Blackert.	Regan.
Cousins.	Russek.
Fellbaum.	Small.
Hopkins.	

Read third time and finally passed by the following vote:

## Yeas—22.

Collie.	Pace.
Cousins.	Parr.
Duggan.	Patton.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Nays—1.

DeBerry.

## Absent—Excused.

Beck.	Poage.
Blackert.	Regan.
Fellbaum.	Russek.
Hopkins.	Small.

## Senate Bill No. 29.

On motion of Senator Moore, the Senate gave unanimous consent to take up and lay on the table, subject to call, S. B. No. 29.

**Senate Bill No. 74.**

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 74, A bill to be entitled "An Act to amend Article 1134 of the Revised Civil Statutes of Texas of 1925, by providing that no new election shall be held within two years of the date of an election whereby a town or village is incorporated under the General Laws of the State of Texas, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 74 was put on its third reading and final passage by the following vote:

**Yeas—23.**

Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Hopkins.
Blackert.	Regan.
Cousins.	Russek.
Fellbaum.	Small.

Read third time and finally passed by the following vote:

**Yeas—23.**

Collie.	Parr.
Cousins.	Patton.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Nays—1.**

DeBerry.

**Absent—Excused.**

Beck.	Regan.
Blackert.	Russek.
Fellbaum.	Small.
Hopkins.	

**Senate Bill No. 64.**

The Chair laid before the Senate on its third reading the following bill:

S. B. No. 64, A bill to be entitled "An Act relating to agriculture and agricultural products; providing for investigations of the business and affairs of wholesale purchasers thereof, whether under contracts or otherwise; and for licensing and bonding and regulating dealers in such products; etc."

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 64 was put on its third reading and final passage by the following vote:

**Yeas—18.**

Collie.	Parr.
Duggan.	Patton.
Greer.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Sanderford.
Murphy.	Stone.
Neal.	Woodul.
Pace.	Woodward.

**Nays—4.**

DeBerry.	Oneal.
Holbrook.	Woodruff.

**Absent—Excused.**

Beck.	Poage.
Blackert.	Regan.
Cousins.	Russek.
Fellbaum.	Small.
Hopkins.	

Read third time and failed to pass by the following vote:

**Yeas—10.**

Duggan.	Moore.
Greer.	Neal.
Martin.	Pace.

Parr. Woodul.  
Patton. Woodward.

### Nays—12.

Collie. Purl.  
DeBerry. Rawlings.  
Holbrook. Redditt.  
Hornsby. Sanderford.  
Murphy. Stone.  
Oneal. Woodruff.

### Absent—Excused.

Beck. Poage.  
Blackert. Regan.  
Cousins. Russek.  
Fellbaum. Small.  
Hopkins.

### Motion to Adjourn.

Senator DeBerry moved that the Senate adjourn until 10 o'clock tomorrow morning.

The Senate refused to adjourn by the following vote:

### Yeas—6.

Collie. Hornsby.  
DeBerry. Oneal.  
Holbrook. Sanderford.

### Nays—16.

Duggan. Patton.  
Greer. Purl.  
Martin. Rawlings.  
Moore. Redditt.  
Murphy. Woodruff.  
Neal. Stone.  
Pace. Woodul.  
Parr. Woodward.

### Absent—Excused.

Beck. Poage.  
Blackert. Regan.  
Cousins. Russek.  
Fellbaum. Small.  
Hopkins.

### Senate Bill No. 75.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 75, A bill to be entitled "An Act amending Section 3 of Chapter 214, page 719, General Laws of Texas, Forty-third Legislature of Texas, 1933, providing a basis for salaries for services in summer schools at certain State supported institutions of higher learning and repealing certain provisions for the collection of certain matriculation

and tuition fees from students of summer schools in certain State supported institutions of higher learning, and declaring an emergency."

The committee report was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

Senator Woodruff moved to suspend the constitutional rule requiring bills to be read on three several days.

The motion failed by the following vote:

### Yeas—16.

Duggan. Patton.  
Greer. Purl.  
Hornsby. Rawlings.  
Martin. Redditt.  
Moore. Stone.  
Neal. Woodruff.  
Pace. Woodul.  
Parr. Woodward.

### Nays—6.

Collie. Murphy.  
DeBerry. Oneal.  
Holbrook. Sanderford.

### Absent—Excused.

Beck. Poage.  
Blackert. Regan.  
Cousins. Russek.  
Fellbaum. Small.  
Hopkins.

### House Bill No. 69.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 69, A bill to be entitled "An Act to amend Chapter 29, Acts of the First Called Session of the Forty-third Legislature, so as to hereafter read as follows: 'An Act repealing the pound fish tax, and providing a privilege license for any person before engaging in the business of a commercial fisherman, wholesale fish dealer, retail fish dealer'; etc."

The committee report was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Murphy, the constitutional rule, requiring bills to be read on three several days, was suspended, and H. B. No. 69 was put on its third reading and final passage by the following vote:

## Yeas—23.

Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Cousins.	Russek.
Fellbaum.	Small.

Read third time and finally passed by viva voce vote.

## House Bill No. 115.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 115, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any wild quail of any species, for a period of five (5) years, in Midland County, Texas; fixing penalty, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule, requiring bills to be read on three several days, was suspended, and H. B. No. 115 was put on its third reading and final passage by the following vote:

## Yeas—23.

Collie.	Parr.
DeBerry.	Patton.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Beck.	Cousins.
Blackert.	Fellbaum.

Hopkins.	Regan.
Poage.	Small.

Read third time and finally passed by the following vote:

## Yeas—23.

Collie.	Parr.
DeBerry.	Patton.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Beck.	Hopkins.
Blackert.	Poage.
Cousins.	Regan.
Fellbaum.	Small.

Roll call to determine quorum, developed no quorum present as follows:

## Present—20.

Collie.	Parr.
DeBerry.	Patton.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

## Absent—11.

## Absent.

Duggan.	Poage.
Oneal.	Small.

## Absent—Excused.

Beck.	Hopkins.
Blackert.	Regan.
Cousins.	Russek.
Fellbaum.	

## Adjournment.

On motion of Senator DeBerry, the Senate at 11:30 o'clock p. m., adjourned until 10 o'clock tomorrow morning.



## APPENDIX.

## Petitions and Memorials.

Hug-the-Coast Highway Association.  
Texas' Most Scenic Road.

Raymondville, Texas, Feb. 18, 1934.  
Hon. Edgar E. Witt, President of the  
Senate, and Senators.

Gentlemen:

On March 30, there will be held at  
Raymondville, Texas, an International  
Highway meeting.

There will be present representatives  
from Canada and Mexico as  
well as from the following States,  
viz: North Dakota, South Dakota,  
Kansas, Oklahoma and Texas.

The object of this meeting will be  
to celebrate the closing of the "gap"  
in Kenedy County of the Hug the  
Coast Highway.

Also many important questions  
pertaining to highway matters in the  
different countries and state will be  
discussed.

At 3 p. m. the guests will be es-  
corted by representatives from the  
following cities of the Rio Grande  
Valley, Harlingen, San Benito,  
Brownsville and Matamoros, Mexico,  
where they will be guests of the  
highway officials of Mexico.

It is my pleasure to extend to you  
a most cordial invitation to be pres-  
ent at the party.

Yours truly,

NAT WETZEL,  
Director.

## Committee on Enrolled Bills.

Committee Room.

Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. C. R. No. 19  
carefully examined and compared,  
and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. C. R. No. 23  
carefully examined and compared,  
and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 8  
carefully examined and compared,  
and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 43  
carefully examined and compared,  
and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills, have had S. B. No. 76  
carefully examined and compared,  
and find same correctly enrolled.

GREER, Chairman.

## Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 69  
carefully examined and compared,  
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Hon. Edgar E. Witt, President of the  
Senate.

Austin, Texas, Feb. 26, 1934.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 19  
carefully examined and compared,  
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. B. No. 50  
carefully examined and compared,  
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills, have had S. C. R. No.  
20 carefully examined and compared,  
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, Feb. 26, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 29 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Feb. 24, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 122, A bill to be entitled "An Act amending Title 26 of the Revised Civil Statutes of Texas, 1925, providing for the creation of trust funds, for maintenance of cemetery lots, and the appointment of trustees and substitute trustees therefor, and for the construction of said trust; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 138, A bill to be entitled "An Act repealing all of Section 6-a of House Bill No. 11, Chapter 214, Acts Regular Session, Forty-third Legislature, page 637, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 111, A bill to be entitled "An Act authorizing and empowering the governing bodies of all cities and towns in this State whether incorporated under Special or General

Law, or under the Home Rule Act, to determine, fix and regulate the rates and service of the public utilities serving them; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODUL, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 21, Urging President Roosevelt and the Congress of the United States not to completely discontinue the C. W. A. at the date suggested but on the contrary to continue the C. W. A. until such time as agricultural, private pursuits and private industry can and will absorb the army of unemployed.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 37, A bill to be entitled "An Act defining oleomargarine and other terms used in this Act; providing tax of four cents (4c) per pound on certain oleomargarines, for method of collecting tax for certificates and reports to State Comptroller by wholesalers of taxable oleomargarine, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODUL, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 29, Requesting the

committee investigating the violations of the Nepotism Law to make a partial report of its findings and recommendations on or before February 24, 1934, and dispensing with further services of the committee.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 105, A bill to be entitled "An Act prohibiting the building or laying out of any new highway or partial highway intended principally for inter-city traffic between the cities of Beaumont and Port Arthur in Jefferson County, Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 31, Granting permission to J. W. Beretta and J. W. Beretta, Engineers, Inc., to bring suit against the State Highway Commission of the State of Texas in the District Court of Travis County, Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 161, A bill to be entitled "An Act making it a misdemeanor

for any person employed in any department of State or county government who contributes to the head of the department in which he is employed any money or property to further the campaign of such department head for nomination or election to any State or county office; providing that if any such employee uses any property belonging to the State or county to aid in any campaign for office sought by the head of the department in which he is employed, he shall be guilty of a misdemeanor, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 69, A bill to be entitled "An Act to amend Chapter 29, Acts of the First Called Session of the Forty-third Legislature, so as to hereafter read as follows: An Act repealing the per pound fish tax and providing a privilege license for any person before engaging in the business of a commercial fisherman, wholesale fish dealer, retail fish dealer, bait dealer, fish guide, defining certain terms as used therein; or before operating a shrimp trawl, net or seine or oyster dredge for taking any aquatic life from the waters of this State for pay; naming the license and the fees to be paid for same; limiting the length of a seine which may be licensed and the size of the mesh of seine which may be licensed, and regulating the use thereof in certain waters; providing aquatic products are subject to inspection by any employee of Game, Fish and Oyster Commission; providing a rebate for holders of license and permits heretofore issued by the Game, Fish and Oyster Commission; prescribing a penalty for violations of any provision of this Act; repealing all laws in conflict herewith and especially Articles 934, 936, 937, 938, 939, 940 of the Penal Code of

the State of Texas, and Articles 4031, 4032, 4033, 4034, and 4044, of the Revised Civil Statutes of the State of Texas of 1925; providing that all indebtedness due the State by reason of laws repealed shall remain valid; providing that no license shall be issued to any person delinquent in fees or taxes, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments No 1 and No. 2, and be not printed.

REDDITT, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 69 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That H. B. No. 81, passed at the First Called Session of the Forty-third Legislature, Chapter 29, page 85, of the General and Special Laws of said session be amended by adding thereto two new sections, to be known as Sections 5-a and 5-b, which said new sections shall read as follows:

Sec. 5-a. Every person, firm, corporation, partnership, or association of persons in this State before engaging in the business of a wholesale fish dealer or retail fish dealer shall apply to and obtain from the Game, Fish and Oyster Commission a license to engage in the business of wholesale fish dealer or retail fish dealer, as the case may be, and shall obtain a separate license for each place of business of such dealer. "Place of business" as used in this Act shall include the place where orders for aquatic products are received, or where such aquatic products are sold, and if sold from a vehicle, the vehicle on which, or from which, such aquatic products are sold shall constitute a place of business. Applications for such license must be made on blanks prescribed by the Game, Fish and Oyster Commission and shall, in addition to such other information as the Game, Fish and Oyster Commission may require, show the name of such dealer, and in case of partnerships, the name of each partner thereof, the dealer's postoffice address, whether the application is for a

retail fish dealer's license, and a statement giving the location of the place of business to which the license shall apply. License issued under this Act are not transferrable from one dealer to another and if the business changes hands during the period the license runs a new license must be applied for and paid for. The license shall, at all times, be publicly displayed by the dealer in his place of business so as to be easily seen by the public and the employees of the Game, Fish and Oyster Commission. And if any aquatic products are transported for the purpose of sale in any vehicle the license required of such dealer shall be displayed inside of such vehicle.

Sec. 5-b. That retail fish dealers in cities and towns of less than 20,000 population shall be permitted to sell aquatic products to hotels, cafes and restaurants in the city or town where such retail fish dealer resides without having procured a wholesale fish dealer's license.

Sec. 2. Any person failing to comply with, or who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten and no/100 (\$10.00) dollars, nor more than two hundred and no/100 (\$200.00) dollars, and his license shall be automatically cancelled and he shall not be entitled to receive another such license for one year from the date of such conviction.

Sec. 3. The fact that the present law does not require a separate fish dealer's license for each place of business operated by a fish dealer, and the further fact that chain stores under the existing law may operate any number of stores throughout Texas by paying one wholesale fish dealer's license, and the fact that such condition works to the benefit of the chain store, and the further fact that the failure of the original Act to provide for the posting of such license in each place of business renders the enforcement of the Act difficult, creates an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is hereby suspended, and this Act shall take effect

and be in force from and after its passage, and it is so enacted.

**Committee Amendment No. 2.**

Amend H. B. No. 69 by striking out all above the enacting clause and inserting in lieu thereof the following:

**A BILL**

**To Be Entitled**

An Act providing that every person, firm, corporation, partnership or association of persons before engaging the business of a wholesale fish dealer or a retail fish dealer shall make application to and receive from the Game, Fish and Oyster Commission a license to engage in such business; that separate license shall be procured for each place of business operated; defining what is meant by "place of business;" providing what the application shall contain; providing who shall prescribe the forms on which the application is made; that new license shall be required if business changes hands; providing that license cannot be transferred; providing that such license shall be publicly displayed by the dealer in his place of business or in his vehicle, and the case may be; providing that retail fish dealers may sell aquatic products to hotels, cafes and restaurants in the city or town where such dealer resides without having procured a wholesale fish dealers license; prescribing appropriate penalties for failing to comply with or violating this Act, and declaring an emergency."

**NINETEENTH DAY.**

Senate Chamber,  
Austin, Texas,  
February 27, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Duggan.
Blackert.	Greer.
Collie.	Holbrook.
Cousins.	Hopkins.
DeBerry.	Hornsby.

Martin.	Rawlings.
Moore.	Redditt.
Murphy.	Russek.
Neal.	Sanderford.
Oneal.	Small.
Pace.	Stone.
Parr.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.
Purl.	

Absent—Excused.

Fellbaum.

Regan.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

**H. C. R. No. 29.**

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 29, Relative to report of certain committee.

Whereas, The House of Representatives has on numerous occasions during the last three terms made an effort at determining violations of the Nepotism Law that seems to be disregarded to some extent, if not in the letter of the law, the spirit of this law; and

Whereas, On several occasions Members have made investigations of the practices among the State Department heads of swapping kin-folks; and

Whereas, These efforts have had great influence among the Department heads to the end that they are careful in not violating the letter of the Nepotism Law; and

Whereas, At the present there exists a committee created by the First Called Session of the Forty-third Legislature that has been working for two or three months compiling data with reference to the violation of the Nepotism Law, and this Committee seems to desire to continue its work possible until another Called Session or until the next Regular